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PAPERS FROM THE COLLECTION OF SIR WILLIAM FRASER, K.C.B., LL.D.

JANUARY 1924

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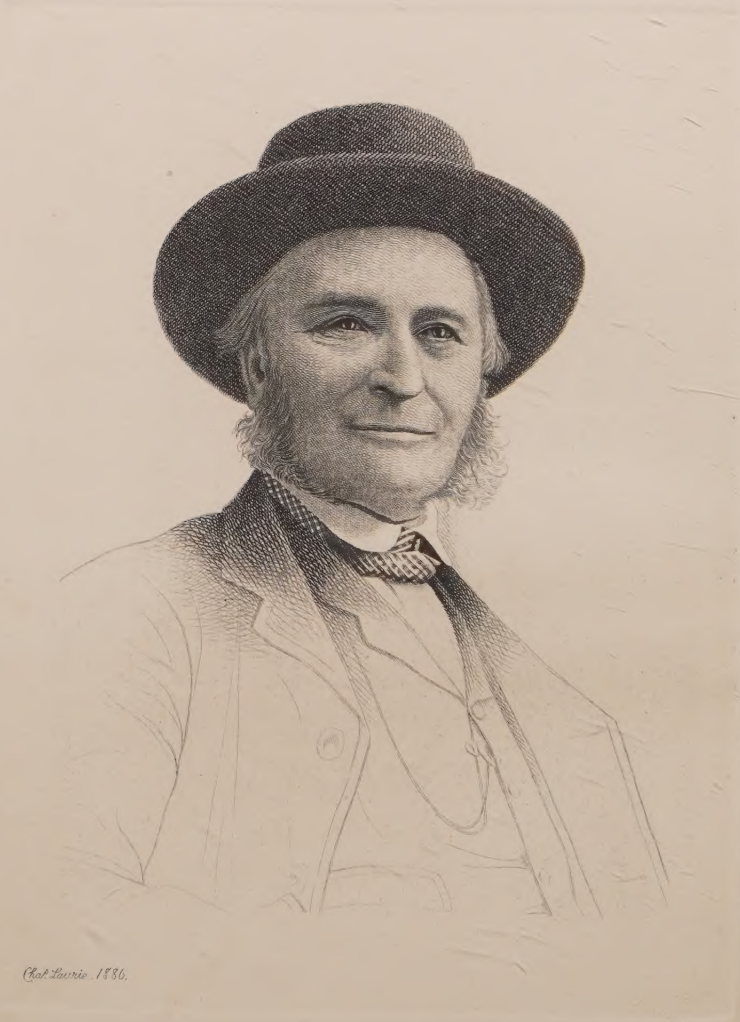
January 1924.



SIR WILLIAM FRASER, K.C.B., LL.D.

PAPERS

FROM THE COLLECTION OF

SIR WILLIAM FRASER

K.C.B., LL.D.

Edited by

J. R. N. MACPHAIL, K.C.

EDINBURGH

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INTRODUCTION

Sir William Fraser, K.C.B., LL.D., was born at Arduthie, near Stonehaven, on 18th February 1816. When still a young man, after some successful inquiries for other people, he turned his attention to the history of his own family. He failed, however, to trace it very far. In the year 1740 a certain John Fraser, said to be 'of the Frasers of Lovat' and to have come from Kirkmichael in the heights of Banffshire, had a small farm in the parish of Aberlour. His wife was Jean Carmichael, and they had a son William, born in 1746, and two daughters Anne and Clementina, a name in those days suggesting loyalty to the exiled Royal House. About 1770 William Fraser the son found his way to Aberdeen and thence into the Mearns, where he was employed in building a new steading at Cowie, near Stonehaven. On the completion of the work he settled down there as a mason and married Christian Young, daughter of James Young, tenant of the Mill of Cowie, by whom he had a large family, including William who carried on business as a mason and builder in Stonehaven; James, the father of Sir William; and Jean, married to John Dickson, tenant of Alpity, a farm on Arbuthnott. In 1845 this John Dickson, then a man of eighty-seven, told Sir William that though his grandfather said he came from the Awin Water side, he was not in the way of talking about his connections in the North Country—that he had 'a kilt in which he dressed occasionally with long flowing hair on his back,' and that his wife, when they returned from their marriage jaunt, reported that she had met some

relative, a Fraser of good position. All the elements of a romance seemed ready to hand. But there the curtain fell, and nothing more could be ascertained—not even from a son of Clementina Fraser, William Garden by name, who died in 1885 at the age of ninety-nine.

James Fraser, like his father and elder brother William, became a mason. In 1815 he married Ann Walker, daughter of James Walker, tenant of the farm of Elfhill of Fetteresso, and Jean Aitershanks his wife, and took up house at Links of Arduthie, near Stonehaven. They had three children: William, born 18th February 1816; John, born 31st July 1818; and Ann, born 29th August 1820.

Sir William was educated at a private school in Stonehaven kept by the Rev. Charles Michie. On 23rd August 1830 he entered on a five-years' apprenticeship with Messrs. Brand and Burnett, Solicitors, Stonehaven. During these years he made many friends among the other lads of his own age, with whom, after he left Stonehaven, he kept up a correspondence dignified and precocious on both sides. He also seems to have been caught by the prevailing excitement about the Reform Bill of 1832, for one of his most cherished possessions was a banner with an appropriate inscription, apparently home-made, which he had carried in a procession to celebrate the passing of that measure and welcome the new heaven and new earth which, it was understood, this alteration of electoral machinery would soon produce.

In 1834 James Fraser died at the age of forty-seven. His wife had died in 1821, and their child John a few months after that. So the brother and sister were left orphans at the ages of eighteen and thirteen respectively. That the boy had commended himself to his employers, and that the family circumstances were somewhat narrow, is evidenced by the terms of a letter of sympathy from Mr. Brand with a gift of £5, and by the lad's reply. Even in

those early days it is plain that Sir William carefully prepared his letters and preserved the drafts.

On the completion of his apprenticeship he went to Edinburgh in December 1835, and had the good fortune to obtain employment with Messrs. Hill and Tod, W.S., with whom he stayed some four years. While in this situation he attended the University of Edinburgh, and in particular the classes of Scots Law and Conveyancing, of which George Joseph Bell and MacVey Napier were then the professors. In January 1840 he entered the office of Mr. Warren Hastings Sands, W.S., with whom he remained till nearly the end of 1848.

Mr. Sands was a man of some importance, being Solicitor of Teinds. Fraser's position in his office must have been rather an unusual one. Not merely did he carry on business on his own account, chiefly though not solely in connection with peerage claims and cases where historical and antiquarian knowledge was of importance, but in 1842 he became clerk to Mr. Charles Baillie, afterwards Lord Jerviswoode, and in 1847 to Mr. Cosmo Innes, then Sheriff of Elgin and Nairn.

From Mr. Sands he passed to Mr. John Gibson, a prominent Writer to the Signet who had acted for Sir Walter Scott in his troubles, and was a clerk with him till 1st January 1851, when along with Mr. Gibson's son he became a partner of the firm of Gibsons and Fraser, W.S. In February of that year he was admitted a member of the Society of Solicitors before the Supreme Court.

During all this time he maintained a regular correspondence with his uncle and with a number of his early friends. From such letters as have been preserved it is plain that away in Edinburgh, and steadily climbing the professional ladder, Sir William maintained a keen and kindly interest not merely in his own kith and kin, but in his native place and its people generally, and was always ready to help every

deserving object—and some undeserving ones—that were commended to his notice. It was the time of the great Disruption controversy, and many of the letters have references to that unfortunate dispute. Fraser had a great admiration for the Rev. Dr. Thomas Guthrie and was much under his influence, but while that influence made him a strong and even bitter non-intrusionist, it was not strong enough to make him leave the Church of his fathers in 1843. To this result his uncle would seem to have contributed not a little. The hard-headed old gentleman, for many years an elder and Session Treasurer of the parish of Fetteresso, did not regard the constitution of the Church as perfect; but he did not think that a Disruption was the best way to put things right, and he made this very clear to his nephew, who till the end of his long life remained a member of St. Cuthbert's Church.

In those days the remuneration of a law clerk depended a good deal on the amount of writing which he did, and Fraser's remarkably fine script was thus of material use in increasing his income. He also for a considerable time kept the business books of his employers, and so developed those orderly and methodical habits that characterised him in such a marked degree. It was his good fortune also to be concerned in various cases requiring antiquarian and, in particular, genealogical research, and he was thus early introduced to those studies in which he became such an expert, and steadily built up that remarkable body of knowledge which made possible his great series of family histories. But he was not too absorbed in his work to despise the ordinary enjoyments of his fellows, and to those who knew him only in his later years two excerpts from his private books will prove illuminating.

The first is taken from a home-made, paper-covered notebook entitled 'Cash Book of William Fraser, Writer, Edr., commencing 10 Octr. 1839 and ending 31st Decem-

ber 1841,' in which he noted all his earnings and all his expenditure. In the autumn of 1840 he and another law clerk, Archibald Grant with whom he lived, decided to spend part of their holiday in visiting London, and this excerpt shows how they travelled, what they saw, and what the outing cost them.

In those days the ancient Scottish virtue of thrift was still held in estimation, and to the end of his life Sir William retained a horror of that waste that has come to be regarded by some as an indication of superior social position.

EXTRACTS from the CASH BOOK of WILLIAM FRASER, Writer, Edinburgh, commencing 10th October 1839 and ending 31st December 1841

Dates. 1840	Particulars of Payments, etc.	Paid. £	s.	d.	Received. £	s.	d.
Aug. 31.	By said Balance		...		3	12	5
Sept. 4.	By Cash from Mr. Sands—						
	For July writings . . £6 14 3						
	,, Augt. Do. . . 18 8 6						
			...		25	2	9
	N.B.—Very hard labour this, independent of a good deal of writing in the Books.						
,,	Paid A. Grant for writing to me . .	0	1	6			
,,	Gratuity to Mrs. Williamson's servant .	0	2	6			
5.	National Bank Dr. lodged . . .	17	0	0			
,,	Paid Mrs. Wilson for washing . .	0	0	6			
,,	Paid for purse and comb . . .	0	0	11			
,,	Paid for postage stamps	0	1	0			
,,	Paid for maps	0	0	9			
	Took with me to England 1 £5 B. of England note No. 3749, signed 'T. Donald,' indorsed 'Marion Rutherfurd Philip' (something I can't make out), and signed by myself. Also 3 Sovs. and 5 ½ Do. gold and 11/4½ silver.						
	Carry forward	£17	7	2	£28	15	2

Dates.	Particulars of Payments, etc.						Paid. £	Paid. s.	Paid. d.	Received. £	Received. s.	Received. d.
1840	Brought forward . . .						17	7	2	28	15	2
	To expenses of trip to England :—											
Sept. 5.	Paid porter to omnibus at the Tron Church with luggage for London			£0	0	6						
,,	Paid omnibus to Leith . .			0	0	6						
6.	Fare in the steamboat 'Pegasus' from Leith to Hull . .			0	7	6						
6.	Ginger beer on board Do. for refreshment . . .			0	0	4						
7.	To the following at Hull in Simpson's, 23 Humber St., opposite Victoria Rooms :—											
	Paid supper, bed, and breakfast	£0	3	6								
	Servant . .	0	0	2								
		£0	3	8								
	Paid for pies at a confectioner's	0	0	7½								
	Paid for fruit .	0	0	2½								
	Paid for biscuits .	0	0	1								
					0	4	7					
8.	Fare *per* 'Monarch' steamer to London (from Hull) . .			0	5	0						
	Coffee and biscuits on board Do.			0	0	4						
	Charity Do. . . .			0	0	2						
	To my half of the following payments per A. G. for joint behoof, viz. :—											
10.	Porter to W. Abbey	£0	0	2								
,,	Admission to Do. .	0	2	6								
,,	Guide Book of Do. .	0	2	0								
,,	Admission to H. of Commons . .	0	1	0								
,,	Do. to Wr. Hall .	0	0	6								
11.	Cakes, &c. . .	0	0	3								
,,	Admission to London Monument . .	0	1	0								
,,	Steam Boats from Westminster to pier near Monnt .	0	0	8								
,,	Cakes . . .	0	0	2								
	Carry forward	£0	8	3	£0	18	11	£17	7	2	£28	15	2

Dates.	Particulars of Payments, etc.	£	s.	d.	£	s.	d.	Paid. £	s.	d.	Received. £	s.	d.
1840	Brought forward	0	3	3	0	18	11	17	7	2	28	15	2
Sept. 11.	Apples . . .	0	0	1									
,,	Boat to Tower . .	0	0	8									
,,	Bread & beer . .	0	0	4									
,,	Admission to Tower:— Armoury . 1 Jewels . 3 —	0	4	0									
,,	Small boat to & from Tunnel . .	0	1	0									
,,	Admission to Tunnel, 1/- each .	0	2	0									
,,	Steamer down to Greenwich, 8d. each	0	1	4									
,,	Music on board .	0	0	1									
,,	Pensioner at Greenwich . . .	0	0	1									
,,	Admission to Picture Hall there, 3d. each . .	0	0	6									
,,	Steamer back . .	0	1	4									
,,	Bread . . .	0	0	2									
,,	Convent Garden Theatre . .	0	2	0									
,,	Bill for Do. . .	0	0	1									
,,	Recd. from A. G. at Theatre . .	0	1	0									
12.	Bread, &c., to Regent Park .	0	0	6									
,,	P. P. stamps for A. G.	0	1	4½									
,,	Do. for W. F. . .	0	1	6									
13.	Fare to Windsor on Gt. Western Railway, 2/6 each .	0	5	0									
,,	Breakfast there .	0	2	6									
,,	Admission to State apartments there .	0	1	6									
,,	Biscuits 4d., and Milk 4d. . .	0	0	8									
14.	Paid for soap . .	0	1	0									
,,	Cap for W. F. . .	0	1	0									
15.	Grant's Journal for Do. . . .	0	0	2									
	Carry forward	£1	18	1½	£0	18	11	£17	7	2	£28	15	2

Dates.	Particulars of Payments, etc.	£	s.	d.	£	s.	d.	Paid. £	s.	d.	Received. £	s.	d.
1840	Brought forward	1	18	1½	0	18	11	17	7	2	28	15	2
Sept. 15.	Music on board steamer from Hampton Court .	0	0	1									
16.	Shoe laces for A. G.	0	0	1									
,,	Fruit for Do. . .	0	0	0½									
,,	Catalogue of British Museum . .	0	0	6									
		£1	18	10									
	— less —												
	A. G's half . .		...		0	19	5						
,,	To my own half of the following payts. made by myself for joint behoof wt A. G.—												
13.	Fare *per* Gt. Western Railway from Windsor (2/6 ea.) . .	0	5	0									
14.	Do. *per* South Wn. Do. to Hampton Court, 3 at 1/6 (including Farmer) .	0	4	6									
,,	Foot tolls to Hampton Court . .	0	0	6									
,,	Guide book at Do. .	0	0	6									
,,	Doorkeeper at Do. .	0	0	6									
,,	Biscuits at Richmond	0	0	6									
,,	Fares in steamer from Richmond to London, 3 @ 1/6 .	0	4	6									
,,	Music on board .	0	0	1									
15.	Paid for ink . .	0	0	0½									
,,	Grapes . . .	0	0	8									
,,	Admission to St. Paul's	0	1	4									
,,	Biscuits . . .	0	0	6									
16.	Bill at Hart's . .	3	1	6									
,,	Omnibus to R.-way, 6d. each, 1/-. Hart's boots, 6d. .	0	1	6									
,,	Fares *per* London & Bir. R.-way, 20/- each . . .	2	0	0									
	Carry forward	£6	1	7½	£1	18	4	£17	7	2	£28	15	2

Dates.	Particulars of Payments, etc.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
								Paid.			Received.		
1840	Brought forward	6	1	7½	1	18	4	17	7	2	28	15	2
Sept. 16.	Dinner at Birmingham . . .	0	2	0									
,,	Biscuits Do. . .	0	0	6									
,,	Fares to Liverpool *per* Grand Junction Railway, 18/ .	1	16	0									
,,	Boy for carrying bag at L'pool . .	0	0	3									
17.	Biscuits on leaving Do. for Glasgow .	0	0	4									
,,	Lodgings at L'pool, 5/, & servants, 1/	0	6	0									
,,	Pears for Farmer .	0	0	6									
,,	Refreshment . .	0	0	6									
,,	Fares to Glasgow *p.* 'Actæon' . .	0	10	0									
18.	Bed in Do. for W. F.	0	2	6									
,,	Charity by Do. .	0	0	6									
,,	Music on board .	0	0	1									
,,	G. Bread . .	0	0	1									
,,	Refreshment at Glasgow . . .	0	1	10									
,,	Do. on leaving Do. .	0	0	4									
,,	Fares in Canal boat home, 4/6 ea. .	0	9	0									
		£9	12	0½									
	Deduct Items of above chargeable to W. F. solely . .	0	5	5									
		£9	6	7½									
	½ to A. G. . .	4	13	3½									
		£4	13	3									
	Add The above . .	0	5	5									
	Add												
18.	Additional items chargeable to W. F., viz. :—												
	Carry forward	£4	18	8	£1	18	4	£17	7	2	£28	15	2

Dates.	Particulars of Payments, etc.						Paid.			Received.		
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1840	Brought forward	4	18	8	1	18	4	17	7	2	28	15	2
Sept. 9.	Dinner in Coffee house . . 7d.												
,,	Postages of letters . . 3d.												
11.	Fruit . . 1d.												
,,	Life of X^{t} . 1d.												
		—	0	1	0								
						4	19	8					
	Total Expenses							6	18	0			
19.	Dr. Ar. Grant: To half of payments made by me as on preceding page					4	13	3½					
	Less ½ paid by you for me as on page 32					0	19	5					
	A. Grant ...					...		3	13	10½			

The other extract is from a similar book headed 'Memorandum Book,' which began in May 1845 and ends abruptly on 15th November 1846. It illustrates in a way that nothing else can do the kind of life that the writer lived, the friends with whom he consorted, and the recreations in which he indulged—and also his mental attitude with regard to various matters.

It is so short that it is printed *in extenso* :—

MEMORANDUM BOOK of WM. FRASER, Writer, 18 Dundas Street, Edinburgh

1845, *May* 20, *Tuesday.*—I went to Stonehaven on Saturday the 3d and returned this day. My maternal grandmother Mrs. Jean Aitershank or Walker, widow of John Walker my grandfather, died at her house near Cowie on Wednesday morning the 14th Instant about 8 o'clock and was buried in Fetteresso Churchyard on Saturday at 1 o'clock. I had the melancholy satisfaction of laying her head in the grave according to her wishes. She was quite well when I first saw her at this time on Monday the 5th Instant, and again on Saturday the 10th. She was suddenly and severely seized with paralysis

on Sunday the 11th and only survived till the Wednesday. She had attained her ninety-seventh year, having been born 8 February 1749. It is a striking fact that my father's father and mother and my mother's father and mother all died in the same house near Cowie and are all buried in the Churchyard of Fetteresso, the two former on the south side, and the two latter on the north side.

Tuesday, 6th May.—I dined with the Revd. Mr. Thomson at Fetteresso Manse. Professor Patrick Forbes of Old Aberdeen, Revd. Mr. Mearns of Kinneff, and Mr. Watt, helper to Mr. Thomson, were also there.

Thursday, 8th.—I dined with the Revd. Mr. Silver at Dunnottar Manse. Mr. Smart and Mr. Falconer, Writers, were also there. We had much talk about Mr. Wood of Woodburnden's succession.

Friday, May 9, 1845.—I dined with Mr. A. Smart, Writer. Mr. Silver of Dunnottar was with us.

Saturday, May 10, 1845.—Supped with Mr. Smart.

Sunday, May 11.—Attended Fetteresso Church—much crowded in afternoon—to hear Mr. Watt address the Sunday School teachers and scholars.

Tuesday, May 13.—Dined with Mr. and Mrs. Brand.

Wednesday, May 14 *and Thursday* 15*th.*—My grandmother died to-day as already stated. I went to Brechin in the morning and spent this and the following day in investigations about Mr. Wood of Woodburnden's succession and had the good fortune to discover a common ancestor which establishes the claim of Mrs. Farrell to about £60,000. A lucky hit for her, poor woman.

Saturday, 17th.—I buried my poor grandmother.

Sunday, 18th.—Attended Dunnottar Church forenoon and Fetteresso afternoon.

Monday, May 19th.—Breakfasted with Mr. and Mrs. Brand.

Tuesday, 20th.—I returned to Edinburgh. I felt a good deal on parting with my friends, especially my uncle's wife, on this occasion.

Tuesday, 27th.—My sister came to Edinburgh.

Saturday, June 7th.—I received a presentation from the Home Office, London, in favor of Mr. John Watt as A. and S. to Mr. Thomson in the parish of Fetteresso and forwarded the same to Messrs. Kinnear and Munro, Writers, Stonehaven.

Eo: die.—I also received a long letter from Patrick Chalmers,

Esq. of Auldbar, lately M.P. for the Montrose District of Burghs, in answer to mine of the 3d in regard to Dr. Young, Dean of Winchester, and the Gib family, &c.—a very excellent and satisfactory letter his is.

I bathed at Caroline Park this afternoon—the first time this season.

Sunday, 8 *June* 1845.—Revd. James Veitch preached in the afternoon in the West Church.

Wednesday, 11 *June* 1845.—When I was in the Register House between 2 or 3 o'clock this afternoon, Prince Henry of the Netherlands, who is presently on a visit to this country, came in and saw the House, Records, &c. The Prince seems a plain intelligent young man.

Wednesday, 25 *June*, 1845.—Wrote Mr. Smart, Writer, Stonehaven, with Memorandum of my searches in the Records here in support of Mrs. Farrell's claim as heir of the late Mr. Wood of Woodburnden.

Sunday, 29 *June* 1845.—Attended at the West Church in the forenoon. Mr. Veitch preached. In the afternoon I went to worship in South Leith Church—a stranger preached. My friend Mr. Milne had called on me between sermons, and I on him, so we missed each other. My sister came and spent the evening with me.

Wednesday, 3 *July* 1845.—I see by to-day's newspaper the death of Sir William Follett, Attorney-General, exceedingly regretted. When he was Solicitor-General he was Counsel for the Claimant of the Marchmont Peerage; and when I was in London upon it in May 1843, I remember his saying to me at the Bar, when our Counsel Fitzroy Kelly was speaking, 'Tell Kelly he has been speaking nonsense for the last half hour,' and Kelly overhearing this or seeing me in conversation with Follett whispered loud enough to let hear, 'Take care of Follett—he never opens his mouth to an opponent except to entrap him.' Kelly, it is generally rumoured, will be the new Solicitor-General. I have doubts. He is not pliant enough in voting through thick and thin with Peel. I received a letter from my uncle about my grandmother's matters and about his own will dated 23 June 1845.

1845, *Augt.* 9.—I took from the Revd. Dr. Laird of Portmoak the shootings on his estates of Colzium and Cairns in the parish of Mid-Calder for £10 this season.

12.—I shot over them to-day and got 8 brace of grouse, being more than was ever known to have been shot upon these moors in one day. I was at work by 3 o'c. A.M. and terminated at 7 P.M., and walked full 50 miles. The extent of the moors is about 1200 acres.

13.—I returned to Edinr. this morning—gave Mr. Sands 1 brace of grouse ; Dr. Alexander do., Mr. Kerr do.

18.—I took from James Watson, Writer, the house in No. 11 Forres Street, from the first week of October next to Whitsunday *per* missives of let between us.

August 29, *Friday.*—I removed from Mr. Archd. Grant's, 18 Dundas St., to Mr. Finlayson's lodgings, 9 Queensferry St., till my own house is ready.

Monday, Septr. 1.—I attended (as 'best man') at Archy Grant's marriage to Miss Shiel at her house this day. The Revd. Dr. Grant of St. Mary's married them.

Friday, 5th.—Went to Colzium shooting, and on Saturday, I shot 3 hares, 3 brace of partridges, 2 brace of snipes and a brace of grouse. Returned on Monday morning.

Wednesday, 10th. I attended the service of Mrs. Farrell as heir of the late Mr. Wood of Woodburnden. The judge (Lord Robertson) and the jury were both favourable to her claim, and she was unanimously served heir. We had a dinner in the Royal at night.

Tuesday, Septr. 16th.—Shot with Mr. Sands and his son at Craigiehall, but we were not successful.

On the 11th instant I received a letter from my friend Mr. Silver, minister of Dunnottar, asking me if I would accept of a partnership with Mr. Alexander Smart, Writer, Stonehaven. I answered that I would, if the share was sufficiently liberal.

Saty. Sep. 20.—I received a letter from Mr. Smart himself on this subject which I answered, *per* copy apart, requiring to know his business profits for the last 5 years and the share he would give me.

Eo: die.—Mr. Alex. Paul came to lodge with me.

October.—Mr. Smart ultimately offered me a third part of his business, but after deducting several of the best paying parts of it, which he reserved to himself, I decidedly declined such a partial partnership, and so ended this affair.

Tuesday, Oct. 7.—I went to Kincardineshire *per* 'The Duke of Richmond' steamer and was swept past to Aberdeen by

the violence of the storm. We landed there next morning at 6 o'c. A.M. very sick and fatigued.

Wedy., Oct. 8.—Came to Stonehaven to my uncle and aunt.

Friday & Saty., Oct. 10 & 11*th.*—Shot over Redmyre and Bridge of Leppie and Whiteriggs.

Sunday, 12*th.*—Was at Alpity of Arbuthnott and Knox of Benholm visiting my cousins.

Monday & Tuesday, 13*th & 14th.*—I went to Mr. Scott's at Tullo of Garvock and shot. Shot again as above and returned to Stonehaven.

Saturday, 18*th.*—Do. and staid all night at Middleton. I killed 2 partridges and a hare at a single shot.

Sunday, 19*th.*—Went to Tullo again and shot a little next day.

Monday, 20*th.*—Was exceedingly windy and the crops greatly injured in that part of the country. The sheaves were blown in all directions and much destroyed.

Tuesday, 21.—Shot over Redmyre, Whiteriggs, &c., and killed 12 hares and 3 partridges. I have killed in all these excursions, never having a whole day from the wetness of the weather, about 60 head of hares and partridges.

Wednesday, 22*d.*—Dined with Mr. Alexander Burnett.

Thurdsay, 23*d.*—Breakfasted with Mr. Brand.

Saturday, 25.—Returned to Edinburgh.

Friday, 7th November.—I left Mrs. Finlayson and came to my house in 11 Forres Street. My sister to keep it for me; and Mr. Paul to live with us at present.

1846, *March* 4.—Mr. Logan, Teind Clerk, informs me to-day that there are a great many old papers about Berwickshire families at Burnhall, the property of the late Mr. Grant: also at Renton, the residence of Sir Samuel Stirling.

This was a very windy morning. A butler in Hope Street was killed by the blowing down of a chimney stalk. I received a letter from Col. Spottiswood about his family pedigree, and another from A. Smart about the Woods.

Mrs. Isobel Walker or Barclay, widow of the late Robert Barclay, and a cousin of my mother, died at Finlayston on Monday, 16th March 1846, of influenza—she was blind for many years past.

March 21.—My dog Frisk which I have had since 1837, went, or was stolen away from me last month (February), and I can get no trace of him.

April.—He came back again for a few days and I sent him away in the beginning of this month to Mr. Dunlop at Cumbernauld House.

10*th Nov.*—I this day received a letter from my uncle, William Fraser, Stonehaven, informing me of the death of my mother's youngest sister Mrs. Isobel Walker or Robertson, widow of the late David Robertson sometime farmer at Tewel. He thinks she died on Friday the 6th Instant, and was buried yesterday. She left an only daughter Jean Robertson. My aunt was the last of her father's family surviving. She may have left about £400 or £500.

14*th Nov.*—I received a letter from my uncle saying that my aunt Mrs. Robertson died on Thursday evening about 5 o'clock and not on Friday as stated in his last letter.

15*th Nov.*—I supped with Mr. W. B. D. D. Turnbull, Advocate. I admired his splendid library.

In the year 1852 the Keeper of the Register of Sasines was Mr. Pringle of Whytbank, who for a number of years had been M.P. for Selkirkshire. He was not a lawyer, and his appointment was a reward for political service. The condition of the office was far from satisfactory, and Mr. Pringle was very anxious for its improvement. Knowing well the practical experience and the very special qualifications of Mr. William Fraser, S.S.C., he persuaded him to agree to accept, and the Treasury to appoint him to the office of Assistant Keeper. At some pecuniary sacrifice Fraser accordingly retired from the firm of Gibsons and Fraser, and entered with zeal on his new and congenial work. So successfully did he discharge his duties, that on Mr. Pringle's death in September 1857 it was expected, not merely by himself but by others, that he would be duly promoted to the vacant office. But apparently there were several hungry politicians abroad, and on the usual pretext of time being required to consider the possibility of reorganising the office, the filling up of the vacancy was delayed. On 19th February 1858 Lord Palmerston's

Government was defeated in the House of Commons, and next day their resignations were tendered to and accepted by the Queen. But this notwithstanding, advantage was taken of the theory that Ministers continue to act till their successors are appointed, and three days later the office of Keeper of Sasines was conferred on a prominent Whig partisan, who by the defeat of the Government had lost his position as Crown Agent.

As might have been expected, the relations between the new Keeper and his Assistant were far from cordial. Fraser especially resented what he regarded as the arrogant manner in which he was treated by his superior; and long afterwards, when Deputy Keeper of the Records, Sir William, after noting in his Diary sundry painful details regarding the last days of his oppressor, reflects with becoming resignation on the 'humiliating' end of 'the proud Keeper of the Sasines.'

It is possible, however, that to this disappointment and the worries that followed, Sir William owed the eminence which he ultimately attained. As head of his office he would probably have become absorbed in its administration, secured with much trouble various necessary reforms, and finally been retired by some Treasury regulation in the midst of his usefulness, and with nothing particular to occupy the remainder of his life. But the routine work to which he had been officially condemned was insufficient employment for his energies, and so in his spare time he turned to those pursuits which he had always loved. Ever since the Marchmont case, in 1842, he had kept in touch with peerage and pedigree questions, and he had also edited the Dryburgh Cartulary for the Bannatyne Club. For some time past, moreover, he had been working on the family papers of his friend Mr. William Stirling—better known by his later style of Sir William Stirling Maxwell—and also on those of the Earl of Eglinton.

In 1858 there accordingly appeared in one volume, *The Stirlings of Keir*. The smallest as well as the earliest of Sir William's family histories, it yet contained the scheme on which they were all constructed. That scheme for which he is entitled to much credit was a new one. Not merely was the history of the family and its possessions set forth, with separate memoirs of its successive heads and distinguished cadets, embellished by portraits and other illustrations, but many of the actual documents in the muniment room—charters, sasines, contracts, and correspondence—were printed, and sometimes reproduced in *fac simile*, with the result that each one of these publications, besides telling the story of the family, has made available to historical students a mass of material sometimes of inestimable value.

Next year saw the *Memorials of the Montgomeries*, in two volumes, followed, in 1863, by *The Maxwells of Pollok*. And from that time onwards till the year of Sir William's death these sumptuous contributions to Scottish History kept appearing.

The knowledge that enabled Sir William to produce these volumes was not acquired merely by an arm-chair perusal of charters and the books of earlier writers. For many years, as his Notebooks and Diaries show, it was his custom, generally on his autumn holiday, to visit the places associated with the history which he was writing or the family whose pedigree he was endeavouring to trace, to inspect their ancient castles or their grass-grown sites and collect on the spot any surviving stories of the past. And later, when his holiday was often spent in going from one country house to another, he was always noting matters of historical interest and gathering information from all who had it to give.

In 1869 an additional outlet for his energies was provided. In that year the Royal Commission on Historical

Manuscripts came into existence, and Sir William was appointed to report on the contents of such charter chests as their owners might submit for examination. This appointment of course curtailed the time he could devote to his books, but it also made him acquainted with a wealth of material hitherto unknown, and often illuminating the inquiries on which he was engaged.

In all this work he was fortunate in obtaining the assistance of such men as John Anderson, Walter Macleod, and Henry Paton, as well as others to whom he could with full confidence delegate not a little of the necessary research. Even with his enormous and tireless industry the results could not otherwise have been obtained. But still the details received his own personal supervision, and for any erroneous theories or mistakes in fact the responsibility is his alone. More than once he was attacked—by John Riddell, by Mark Napier, and by Dr. Burnet, the Lyon King of Arms, whom he seems to have particularly disliked—but he had no taste for controversy and left his books to speak for themselves.

In 1880 certain changes occurred in the Register House, and Fraser was appointed Deputy Keeper of the Records. Desirable in itself, this office was made still more pleasant by the courtesy and consideration of the Earl of Glasgow, who had become Lord Clerk Register in 1879. Among other duties which fell to the Deputy Keeper of the Records was arranging the elections of the Representative Peers of Scotland, and though from time to time he affected to grumble at the extra work occasioned by these Holyrood functions, there was no part of his official duties which Sir William more thoroughly enjoyed.

For many years past his professional aid and advice had been anxiously sought in connection with questions relating to pedigree or peerage law. To go into details would be improper, even if it were possible. But Lord

Kellie's successful claim to the Earldom of Mar, created in 1565, may be mentioned as an instance. By 1880 he had thus become well known all over Scotland as well as at Westminster, and numbered among his personal friends many of the great ones of the time, who found him an interesting and amusing companion. And it is difficult to say which gave him greater pleasure—to be asked to meet Royalty in some stately mansion or to entertain his own friends, and in particular some lady of quality, to tea in his modest house in Castle Street, and hear their appreciation of his old furniture or of some historic documents produced for their inspection.

Public recognition now began. In 1882 the Senatus Academicus of Edinburgh somehow became aware, probably through Lord Rosebery the Lord Rector, of the services which for so long Fraser had been rendering to the history of Scotland, with the result that he was offered and accepted the degree of LL.D.

For many years he had, though no politician, quite sincerely entertained for Mr. Gladstone an admiration not less extreme than that which it was then regarded as the duty of every earnest Liberal to profess, and it was accordingly with special satisfaction that, on the recommendation of that statesman, he was, in 1885, created a Companion of the Bath. Two years later high-water mark was reached when he received the following letter from the Marquess of Salisbury, then Prime Minister :—

20*th June* 1887.

Dear Doctor Fraser,—I am very glad to be the channel of conveying to you the intimation that Her Majesty has been pleased to give expression to the high esteem in which your literary and official labours are held both by herself and by the public generally by conferring upon you a Civil Knight Commandership of the Bath.—Believe me, yours very truly, Salisbury.

For the next five years Sir William's life went on much as before. Daily attendance at the Register House—work at his books and reports during the evening, and an autumn holiday, now in one part of the country, now in another, with eyes and ears always open for the acquisition of antiquarian or historical information. But he had come to realise that his health required greater care, and that it was needful to curtail the week-end visits to his many friends round Edinburgh which he used to enjoy so much.

In 1892 he was compulsorily retired from the Register House after forty-one years service, at the age of seventy-six. He had thus more time to devote to his books and reports on which he continued working with unabated zeal and energy to the last.

On 21st December 1897 his sister, who had kept house for him since 1846, passed away. He survived her only a few weeks, and the end came on 13th March 1898.

By his industry and frugality he had accumulated a large fortune, which his shrewd knowledge of investments made still larger. Under his will this all went to public purposes, and chiefly to the Royal Infirmary and University of Edinburgh. In accordance with his directions the Sir William Fraser Homes at Colinton and the Sir William Fraser Chair of Ancient History and Palæography in the University of Edinburgh have been founded by his Trustees, who have also been able to assist in various ways in the publication of historical materials.

The present volume contains a selection from the numerous documents which Sir William had gathered together, and it is with satisfaction that his Trustees now offer it to the members of a Society which has done and is doing so much for the history of Scotland.

PAPERS RELATING TO SIMON LORD LOVAT

INTRODUCTORY NOTE

The last word has not yet been said about Simon Lord Lovat. The abuse of Hanoverian partisans and the imaginings of the popular storyteller are no longer accepted at their face value. It is also realised that from every point of view he was no ordinary man, and anything that tends to throw light on his character and doings is worthy of attention. The following pages contain, it is thought, some interesting material, in the form of a broadsheet issued by his enemies with regard to an early episode in his career, and some contemporary documents dealing with the same matter.

A brief statement of the circumstances of the Lovat family will make it easier to follow the story. On the death of Hugh 9th Lord Fraser of Lovat, on September 14, 1696, survived by four daughters, his heir-male was his great-uncle, Thomas Fraser of Beaufort, and a twofold question arose regarding his succession, viz. to whom went the title? to whom went the estates? No doubt they had gone together since the creation of the dignity more than two hundred years before, and always to the heir-male. But, of course, the descent of the peerage fell to be regulated by the terms of the royal grant—and, equally, the succession to the estates depended on the terms of the deeds under which they were held.

The estates were not entailed, and therefore were at the disposal of the dead man. At the early age of nineteen he had married the Lady Amelia Murray, second daughter of John 1st Marquess of Atholl. By his

marriage contract, dated March 18, 1685, he settled the whole estates, failing heirs-male, on the heirs-female of his body. Such an arrangement, it is obvious, entirely disregarded the interests of the ancient family, of which he chanced to be the temporary head and representative; and it would seem as if advantage must have been taken of his youth and inexperience. It is said that a little later he repented of his mistake and attempted to restore the ancient investiture, but if he did so, the attempt was ineffectual and the marriage contract ruled the succession. In accordance with its terms the territories of the Frasers all passed to the eldest daughter Amelia, who in 1702 was married to Alexander Mackenzie, son of Roderick Mackenzie, a brother of the 1st Earl of Cromartie, and a Lord of Session with the judicial title of Lord Prestonhall. By the purchase of a small debt on the Lovat estates, and other devices, Lord Prestonhall succeeded in acquiring these and settled them on his son in liferent, his infant grandson in fee, so that it seemed as if in time to come the Mackenzies would be Lords even of Stratherrick. And in 1702, by a decree in absence, the Court of Session declared that the dignity also belonged to Amelia, while her husband manufactured for himself the fanciful designation of Fraserdale. It was also given out, untruthfully it seems, that Hugh Lord Lovat had resigned the dignity and got a new grant thereof in favour of his daughters (see Crawfurd's *Peerage*, p. 273, Edin. 1716). Fraserdale survived till 1755, and his widow died in 1763.

This Alexander Mackenzie of Fraserdale was forfeited for his share in the 'Fifteen, and next year Simon Lord Lovat, who was then in favour with the Government, received a grant of his liferent escheat. That meant that so long as Fraserdale lived the whole free income of the Lovat estates was payable to Simon and nothing was available

for the support of Amelia and her children. There was much litigation in which Simon was successful. And eventually recourse was had to arbitration, by a submission dated March 6 and 7, 1733, to determine on what terms the fee of the Lovat estates should be made over to him. The arbiters were two judges, James Erskine (Lord Grange) and David Erskine (Lord Dun), and their decree of arbitral was pronounced on March 13, 1734, under which, in return for a sum of £12,000 sterling, Lord Lovat was to receive a conveyance of the fee of the whole estates.

In this way the estates were acquired by Simon Lord Lovat, not as the heir-male, but on what is technically termed a singular title. And accordingly, even if some one had thereafter shown himself to be the heir-male of the body of Simon's elder brother, the mysterious Alexander of Beaufort, he could not have obtained the estates whatever right he might have established to the ancient dignity.

Having for many years treated the Decree of 1702 with contempt, Simon in 1730 raised an action in the Court of Session for its reduction, and on July 30, 1730, it was declared that the title, dignity, and honours of Lord Fraser of Lovat belonged to him as the heir-male.

In 1696, however, these legal technicalities did not much interest the Frasers. The heir-male and chief was Thomas of Beaufort, and he and his son Captain Simon would have had the support of the clan even if their claims had been less reasonable and just. All the Frasers knew—and it was enough—was that the Atholl Murrays were trying to destroy their existence as a clan and to filch away the inheritance of MacShimei, and such a plot had to be met with counterplot and, if need be, with cold steel. In the course of the struggle occurred the incidents with which this old broadsheet deals—from the Murray point

of view.[1] What the truth may be is another question. And, if disposed to study more closely this early part of Lovat's career, the reader will find further material in *Simon Lord Lovat of the 'Forty-Five*, by the late Mr. William Burns (Inverness, 1908).

[1] Much the same kind of attack on Captain Simon, perhaps from he same pen, is reproduced in the *Somers Tracts*, vol. xii. pp. 433 *et seq.*

PAPERS RELATING TO SIMON LORD LOVAT

A SHORT ACCOUNT OF THE PROCESS AND TRIAL

at the instance of His Majesty's Advocat, by Special Order of His Majesty's Privy Council, against Thomas Fraser of Beaufort and Capt. Simon Fraser his Son, and their Complices, for the crimes of treason, and other crimes, contained in their Indytment

Lord Lovat having deceased in the year 1696, leaving four Daughters under age, in the keeping and custody of their Mother; And the Right of Succession, according to the tenor of the Lord Lovat's infeftments, as well as by his own express Deeds, divolving upon the Eldest Daughter: nevertheless Thomas Fraser of Beaufort, and Captain Simon Fraser his son, pretending, That they were the apparent heirs male of the Family, and alledging (without any ground) that the Right of Succession of the Estate of Lovat should only appertain to them; endeavour to possess those of the Name, and the Vassals and Dependers on the Family (who make a numerous Clan in the Highland parts) That the young Lady the Heiress was to be disposed upon, by her Mother and her friends, to a Stranger, and that thereby their Clan and Chiftianrie (names of great Value with that Sort of People), were to be broken, and they brought under Subjection to a foreign Lord and Master.[1]

[1] The statement was absolutely true: *vide The Frasers of Philorth*, vol. i. p. 195. Whatever may have been the misdeeds of Captain Simon Fraser and his friends, it is plain that the ultimate responsibility for all the troubles rests with the Atholl Murrays, whose intrigues were naturally resented by the whole Fraser clan. Lord Saltoun no doubt bore the Fraser name, but he was an Aberdonian and an alien in feeling if not in blood. It is interesting to

Whereupon the said Thomas Fraser with his Son Simon Fraser (tho' persons of no Estate, and who for a long Time had lived precariously by the allowance and tolerance of the Lord Lovat, upon a Piece of Land of his called Beaufort), do enter into a combination and conspiracy with those of the name of Fraser, whom they could induce to follow them; And first, holding Secret Councils, and signing Bands, and leagues amongst themselves, and then making open convocations and rendevouzes in armes. They resolve about the Month of September 1697, to invade and possess the Estate and Lordship of Lovat, (to which they knew perfectly that they had no legal Right or Title), by plain force and violence. And thus proceeding from one Step and Degree of violence to another, they break out into a treasonable rising in armes, and open and manifest Rebellion against his Majesty. And that attended with the aggravations of such insolent and horrid crimes as have scarce been heard of in any Civil Nation or Kingdom.

But because the exact account of these their crimes and treasons, as also of the method taken by the Lords of his Majesty's Privy Council to reduce them to a better mind, and prevent the foresaid extremities, will best appear from the two Lybels or Indytments, which upon this occasion were raised against them; the just and full doubles thereof were and are as follows:

THE just double of the first Libel or Indytment exhibit and insisted upon by his Majesty's Advocat[1] before the Lord[s] of his Majesty's Justiciarie[2] at Edinburgh.

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speculate on what the course of events might have been if Captain Simon had succeeded peacefully to the place and possessions of MacShimei, or had even received fair play when he attempted to assert his rights. Similarly, it seems plain that but for his treatment by Walpole—'gross and insolent injustice' as it has been termed—the old man would never have been driven into the intrigues that ended in the '45.

[1] Sir James Stewart of Goodtrees.

[2] The judges were: Earl of Lothian, Lord Justice-General; Adam Cockburn of Ormiston, Lord Justice-Clerk; Sir Colin Campbell, Lord Aberuchil; David Home, Lord Crossrigg; and Sir James Falconer, Lord Phesdo.

the 5th day of September 1698.[1] Against Thomas Fraser of Beaufort, and Captain Simon Fraser his Son, and their Accomplices afternamed.

That where, by the Laws of this and all other well governed Nations, the crimes of Treason and Rebellion; as likewise of unlawfull leagues and combinations, and the Convocating or Conveening of Subjects in Armes without the Warrand of Authority, and the Occupying, Possessing, Stuffing, and Fortifying of Houses and Forts, with armed men and other Provisions; as also, the waylaying, seising, apprehending and making free Subjects Prisoners, and detaining them *in privato carcere*, or in Bondage and Captivity, and treating them with Insolence and Cruelty; As likewise the Ravishing or offering to Ravish women by Force and Violence, and without Respect to the Quality or Condition of the Persons injured, or even to common Humanity; and the persisting in the said Violence, Rapt, and Ravishing, by carrying the Ravished about from Place to Place, at the Pleasure of the Ravisher, are Punishable with Confiscation of Life, Lands and Goods. Likeas by the Act of Parliament K. James the 1st. Parl. 1st. Cap: 3d. It is Statute, That no Man openly Rebel against us under the Pain of forfeiture of Life and Goods. And by the Act of Parliament, Ja. the 2d. Parl: 6th. Cap. 24. It is Statute, that who commits Treason against our Person and Majesty, rises in Feir of War against us, Resets and supplies such as have committed Treason, or stuffs their Houses and holds them against us, or stuffs Houses of their own in furtherance of Rebels, Shall be Punished as Traitors. And by the Act of Parliament Queen Mary parl. 9th, Cap. 75. It is Statute, That none attempt to do or raise any bands of Men of War on Horse or Foot, with Culverings, Pistols, Picks, Spears, or other Munition bellical, without special licence in write of our Sovereign Lady and her Successors, under the pain of Death, to be execute

[1] The proceedings commenced on 27th June 1698, and were adjourned from time to time till 6th September, when the sentence was pronounced.

upon the raisers of the said bands; as also upon them that raises and conveens in bands. And by the Act Ja: 6th. Parl. 8. Cap. 131. It is statute, that none of our Subjects presume to convocat, conveen or assemble, for holding of Councils to treat, consult or determine in any matter of state Civil or Ecclesiastick, except in the ordinary Judgment, without our special Command, or express Licence; under the pain made against such as unlawfully convocats our Leidges. And by an other act Ja: 6th. par: 10th. Cap. 12. It is statute, That no Leagues or bands be made amongst our Subjects, of any degree, without our privity and consent, under the pain to be holden and execute as movers of Sedition, to the breach of the Peace: Which two last Acts are ratified by Ch. 2$^{d:}$ Parl. 1st. cap. 4th. And by the Act Ch. 2d: par: 1st. cap. 5th. It is declared, That it is and shall be high Treason to the Subjects of this Kingdom, or any number of them more or less, upon any ground or pretext whatsoever, to rise and continue in Arms, to maintain any Forts, Strength, or Garisons, or to make any Treaties or leagues with Foreigners, or amongst themselves, without our special Authority and Approbation, first had and obtained thereto. And by the Act Ch. 2d. par. 1st. Session 2d. cap. 2d. It is statute and declared, That to Plot, Contrive or Intend to Levie War, or to take up Arms against us, or any Commissionat by us, is punishable as high Treason. Likeas by the Act Ch. 2d. par: 2d. cap. 11th. It is statute, That in time coming, in all cases of treasonable Rising in Arms, and open and manifest Rebellion against us and our Authority, our Advocate for the time may and ought to insist against and prosecute such Persons, as he shall be ordered by us or our Privie Council to pursue: And if they be cited and do not compear, The Justice (Notwithstanding of their absence) may and ought to proceed to consider, and give Interlocutor upon the Libel; and if it be found relevant, admit the same to the knowledge of an Assise, and upon their Verdict, finding the same to be proven, The Doom and Sentence of forfeiture ought to proceed, and be given in the same

manner, as if the persons accused had compeared, and were present.[1] Which raising convocating and conveening in Arms without or against our Authority, with the other Crimes foresaid, are highly aggravated, and the Treason and Rebellion yet more open and manifest, while the persons guilty presume to persist and continue therein, after having been charged in our Name, by our Officers, or by a Herauld thereto waranted, to Lay down their Arms, and render their persons to bide the Law; under the pain of Rebellion. As also, by the 34th Act, par: 1st. Sess: 1st Ch. 2d. It is statute, that the celebrater of Clandestine Mariages be banished the Kingdom, never to return under the pain of Death. Nevertheles. It is of verity, That Captain Simon Frazer, Eldest lawfull Son to Thomas Fraser of Beaufort, William Fraser of Fogr, Hugh Fraser in Kinmonavie, William Fraser in Dulleraig, William Fraser of Erechit, Alexander Fraser of Kilduthill Younger, Hugh Fraser, *alias* Huiston Oig, in Leadclune, Alexander Fraser Son to Meggivie, Tais Fraser Brother to Litlegarth, Thomas Huistone Son to the Minister of Stratherick, Æneas Mcbaine Brother to Drummond Mcbaine, Hugh Fraser, Son to Struie, Hugh Fraser Younger of Bochrubine, John Fraser Brother to Old Kilduthill, Major Thomas Fraser Elder of Strouie, Hugh Fraser Brother to Strechit and John Fraser Younger

[1] In Arnot's *Criminal Trials*, p. 79, the learned editor observes: 'This is the only case I know of since the Revolution in which a person was tried in absence before the Court of Justiciary; a proof led, a jury inclosed, a verdict returned, and sentence pronounced, forfeiting life and estate, honours, fame and posterity. . . . By the law of Scotland outlawry, even for treason, inferred the forfeiture only of personal estate. It was sanctioned by statute that trials for treason could not be taken in absence, but that the whole accusation, argument and evidence should be led in presence of the accused and no otherwise.' This was changed by the Act of 1669 which, aimed at the Covenanters, was not repealed at the Revolution, and under it the proceedings against the Frasers professed to be taken. But, as Arnot points out: 'Tyrannical as this Statute was, Captain Fraser could not have been convicted upon it but by an obvious wresting of the law, for it authorised trial in absence only in cases of treasonable rising in arms and open and manifest rebellion. Now it is altogether absurd to construe the collecting of an armed force for the purpose of private rapine into *treasonable rising in arms and open and manifest rebellion*.'

of Megivie,[1] shaking off all fear of God and regard to our Laws and Authority, are guilty, art and part of the Crimes above and undermentioned. In so far as, The said Captain Simon Fraser having on one or other of the days of the Month of September last, sent to the foresaids persons to come and meet him at Moniack, a House belonging to Fraser of Strichen; they agreed and came to the foresaid house, belonging to Strichen, and there then being several other Gentlemen of the Name of Fraser and others; They unlawfully leagued and combined together for to rise in Arms and prosecute their mischievous Practices. Likeas, for their better effectuating thereof, Intimation having been made by one or other of the persons above mentioned to the Men of Stratherick (which is apart of the Lord Lovat's Estate and interest), They within three or four days after the meeting at Strichens House, Did rendezvous about two hundred Men in Arms at Esseck.[2] And when the Men of Stratherick did come to the said rendezvous at Esseck, about two hundred Men in Arms, as said is, the said Thomas and Simon Fraser of Beaufort and the other persons above complained upon, Did incourage these Men unlawfully conveened in Arms as said is, by swearing and causing them swear to join and concur for maintaining the saids Thomas and Simon Fraser's pretences to the Estate of Lovat, against all opposers. Likeas after the rendezvous the saids Thomas and Simon Fraser's pretences to the Estate of Beaufort and the other persons above complained upon, did incourage these Men unlawfully conveened in Arms as said is, by swearing, and causing them swear to join and concur for maintaining the saids Thomas and Simon Fraser's pretences to the Estate of Lovat, against all opposers. Likeas after the rendezvous the said Thomas and Simon Fraser's and others above complain'd upon that had been at the rendezvous, went into a Change-House near by, and there contriv'd and drew up the

[1] Their names are printed as in the broadsheet. Most if not all of the misspellings can be corrected by a comparison with the list given on p. 18.

[2] About four miles from Inverness—on the road to Stratherrick.

Letter subscribed by them, directed to the Lord Fraser :[1] And of which Letter a Copie is here to Subioyn'd (the principle being put in the Clerk of Justiciaries hands) and doth manifestly contain an unlawful League and Combination for mutual Adherance in their wicked Designs, which League and Combination is the rather aggravated than palliated by any exception therein of the King and Government, as being *protestatio contrario facto.*

[Follows the copy of the Bond of Associatione or Letter directed to Lord Fraser.[2]]

STRATHERICK, *Sept.* 22, 1697.

'MY LORD ; The near intrest I have in you ingadged me and my friends under subscryveing to put your Lordship to the trouble to accost my lord Saltoune, and as you wish the name of Fraser weell, to be as serious with him as possible in pressing home the subsequent affair, with what else the bearer will inform you not repugnant thereto, viz. You may show my lord Saltoune that the sad and lamentable circumstances, which the late Lovat's death hes cast me and the cadents of my family in, and the old relatione and friendship betwixt us, but especially the designes he hath upon us hes given occasione to this lyne, by which wee not only expostulat with him, but also crave his advyce, in the present criticall juncture of affaires. Our condition is such, that the name of Fraser was never (and perhaps shall never be) nearer ane utter extinctione if we ourselves by the advyce of the many good and great friends wee have, in all the places of the kingdome, practiseing a pairt of that courage and magnanimity, which was naturall to our ancestors, and by the blessing of God, which we shall

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[1] Charles, 4th Lord Fraser, the representative of the Frasers of Cornton near Stirling, who had in 1454 exchanged that estate for Stoneywood and Mukwall or Muchalls in Aberdeenshire. His mother was a daughter of the 7th Lord Lovat. It is said that on 13th December 1697 a warrant was issued to examine and imprison him for his share in these troubles, and that on 10th February 1698 there followed a warrant for his release (*Scots Peerage*, vol. iv. p. 119).

[2] Taken from the *Justiciary Records*, where it is set forth *in gremio* of the libel.

alwayes implore to accompany our lawful endeavoures, does not prevent our finall ruine. We have putt on a full resolutione to defend our lands, possessiones, goods, lives, wyves, children, liberties, and priviledges of free subjects, which lye at the stake, against all invading and insulting avarice, ambitione and appressione *pro aris et focis, contra omnes mortales*, the King's Majestie, his authority and laws only excepted. It 's reported, that my lord Saultone hath bein endeavouring to gett Lovat's eldest daughter to his sone, which the pretended tutors take advantage of, to insnaire us, by giving it out that a Fraser will be the man, whylle ther is noe such thing intended, by which they think to facilitate their other sinistrous designes, and to befool both him and us. For how is it possible, that a family who still had a voracious desyre after greatness and tooke all occasiones of raising themselves, and expressing their ambition, will now prefer any other people to themselves. This is simply impossible; therefore tell him, as he wishes his own weell and our standing, that he lay noe stress upon any promises or assurances, except he gett the child in his custody, which if they refuse, it is ane evident proofe that their wholle pretences will turne to a shamme. And when he hath gott the child we advyse, that nothing be done without the unanimous consent of the friends here, otherwayes wee assure my lord Saltoune by these, that it will occasione a rupture, that neither this nor the next (and perhaps no succeeding) age will sement, and therefore, wee expect that he will not move a step in this bussiness, nor intrude upon us or our affaires, particularly that he come not to this countrey without our free and frank consent and call. It would requyre a tractat to give a full account of the bad useage wee mett with, and how much justice wee have upon our side. The two or three miscreants who shocke off all principles, naturall, divine and humane, and who did all they could to eradicat us and themselves, have been so flouted and hissit at by all people, that ther taking a remorse of conscience, and making recantations for fear of beeing diverted by the women of the country. My lord,

these few lynes flowing from a deep sence of our deplorable conditione, we expect you 'll concurr with my lord Saltoune, in giving us your best advyce. Wee have sent ane honest gentleman with these to whom you may communicat what you think not fitt to committ to paper. Soe expecting that my lord Saltoune will preserve the old friendship built upon the principles of naturall affectione as inviolable with us, as wee 'l doe with him, and as our predecessors have done for severall centuries, we waite both your returnes and subscryve ourselves, My Lord, Your lordship's most affectionat uncle, cousings, and servants. *Sic subscribitur*, Lovatt, W. Fraser of Foyer, Fraser of Borlind, W. Fraser of Knocvean, John Fraser of Miklegarth, Jo. Fraser of Munthegair, Hugh Fraser of Kintrelye, Jo. Fraser of Erigik, William Fraser of Dalcraig, H. F. of Leadcloin, Hugh Fraser of Strowie, Alexander Fraser of Faraline, T. Fraser of Gortuleg, H. F. of Dunctien, Jo. Fraser of Abersbie; Alexander Fraser of Ruthven, Jo. Fraser, of Litlegarth; J. Fraser, younger, of Belnane; T. Fraser of Drumund; J. Fraser of Bochruben; A. F. of Mikleglendo. [Follows the Postscript.] My humble duty to my lady Fraser. After communicating of this lyne to my lord Saltoune, lay the same up and preserve it, that it may not only be a proofe of our fair advertisement to my lord Saltoune, but also a monument of the friendly corrospondence wee keep with your family; therefore we expect that your lo'p will trust none with it, and I and my friends have keept severall doubles of it, *in futuram rei memoriam*.'

Likeas the said Letter of Association doth also contain bold and wicked Threatnings against the L. Saltoun, and false and undue Reflections and Insinuations against the Marques of Athol and his Family. And this Letter being framed and agreed to, as said is, to be sent to the Lord Fraser after his parting from the Banders and Leaguers, doth farther declare their purpose to continue in the said unlawful association, and to have the same recorded *ad futuram rei memoriam*. And the Letter was accordingly sent to the Lord Fraser, to his House of [Castle Fraser ?].

The Lord Saltoun having gone North the next day to visit the Lady Dowager of Lovat at her House of Castledounie, after he had stay'd there a few days, and as he was returning homeward with the Lord Mungo Murray, Son to the Marques of Athol, and some other Gentlemen; by the way passing throw the wood of Bonchrew, about four miles from Castledounie: The said Lord Saltoun, Lord Mungo Murray, and their Companie, were upon the sixth or one or other of the days of October Last, Surprised by the said Captain Simon Fraser and his Father, who having convocat a great many Men in Arms, above four score, or a hundred, Did place themselves in ambush for waylaying and seasing the said Lord Salton, Lord Mungo Murray and their Companie. Whom they accordingly seised with great Violence and Barbarity, Disarming, Dismounting, throwing them down and Beating them: with many Threatnings, to Murther them outright. And the said Thomas and Simon Frasers, having with their foresaid Companie (whereof several were Subscribers, of the foresaid Letter of Association) taken Prisoners the Lord Salton, Lord Mungo Murray, and their Companie, unable to resist so great a Force. They caused them again to Mount on little pitiful beasts instead of their own Horses, whereof they had Rob'd them as also of their Arms, and other things about them, and thus carried them away captives, under their Guards of Men and Arms, to the House of Fanellan, where they made them closs Prisoners, every one in a Room by himself, for the space of six or seven dayes: Having in the mean time fortified and stuffed the House with armed Men and other Provisions. And further, in prosecution of their wicked Band and League to rise in Arms, the said Thomas and Simon Frasers and their Complices, sent the Firie cross throw the Country, to raise their Men and People in Arms; whereby they conveened to the number of two hundred Men in Arms, to assist and joyn with the saids Frasers and others above complained upon, in their foresaid open and manifest Insurrection and Rebellion: In further prosecuting whereof the said

Thomas and Simon Frasers and their Complices above complained upon, Did the same day that they made the Lord Salton, Lord Mungo Murray, and others their Prisoners, March with a Companie of about one Hundred Men in Arms, to the Lady Lovat's House of Castledownie, and there, violently and wickedly seised upon the Widow Lady and her Servants, and made them Prisoners; and Robed and spoiled the Goods in and about the House, at their pleasure. And thus the said Thomas and Simon Frasers, and their Complices, above complained upon, having broken out into open Rebellion and Arms, and seised the foresaid two Houses with the Prisoners therein; They garisoned the same, and appointed Captains, and other Officers, over their Troops and Garisons: and adding yet more Barbarity to all their violence, They set up a Gallows before the House of Fanellan, and in the view of the windows where the Prisoners were; threatning to hang them thereon. And by sending the said Firie Cross as said is, They convocat and conveened yet more Men in Arms, and after they had keeped the said Prisoners, some six or seven days in the foresaid Captivity and Terrors, they carried them from Fanellan by armed Guards, to the Isle of Aigies,[1] where they keeped them Prisoners in a Creel House for their Lodging, and did Treat them in a most Miserable manner, So that the Lord Salton fell so sick, that they were obliged to dismiss him: But still keeping the Lord Mungo Murray Prisoner for some days thereafter; And about the same time, they have the Lady Dowager of Lovat still their Prisoner in Castledownie. And during their imprisonment the said Thomas and Simon Frasers, and their Complices above complain'd upon, propone Conditions, Extort Articles and Aggreements, and whatever they pleased to Demand; there being no resisting such a Wicked and Barbarous Force, which continually proceeded to greater violence and Barbarity. For not only the said Thomas and Simon Frasers and their saids Complices refused to

[1] An island in the Beauly river.

lay down Arms, and desist from their violence, when commanded and charged by the Shireff of Inverness, But going on in their villanous barbarities, They keeped the said Lady Dowager in most Miserable Captivity. And when nothing that she could propose or Promise would satisfie them: The said Captain Simon takes up the most mad and villanous Resolution that ever was heard of. For all in a Sudden, he and his saids Complices make the Lady closs Prisoner in her Chamber, under his armed Guards; and then comes upon her, with Mr. Robert Monro Minister at Aberturfe, and three or four Ruffians in the Night time, about two or three in the Morning of the Month of October Last, or one or other of the days of the said month of October Last: And having draged out her Maids Agnas Mackbrayer, and Fraser, he proposes to the Lady, that she should marrie him. And when she fell in Lamenting and Crying, The great Pipe was blown up, to drown her cryes, and the wicked villans Order the Minister to proceed. And tho' she protested with Tears and Cries, and also offered all promises of any thing else, and declared she would sacrifice her Life, sooner then consent to their proposall, nevertheless the said Minister proceeds, and declares them married Persons: And Hugh Fraser of Kimmonavie and the said Hutcheon Oag (both of them Thieves and Murtherers), are appointed for her waiting Maids. And tho' she often swarfed and again cryed out most Grievously, yet no relenting, but the Bag-pipe is blown up as formerly; and the foresaid Ruffians, rent off her Cloaths; cutting her Stayes with their Durcks, and so thrust her into her Bed. After this most horrid violent Rapt, when the Ladies Friends offered to make some attempt for her rescue, out of Captain Simon's hands, The said Captain Simon, and his said Complices, carrie her away to the Hills, and raising the Country to the number of four or five hundred Men in Arms, of their own Name and Dependers, did detain still the afflicted Lady, and did stand to their own Defence. And further, when the Lords of our Privie Council, having intelligence of this

violence and insurrection in Arms, and of the foresaid wicked practices and Rebellion of the said Frasers and others above complained upon, Did Order an Herauld [1] to charge the said Traitors and Rebells, to lay down their Arms, and set the Lady at Liberty, and render themselves Prisoners, to abide the Law: And did also Order the Shireff of the Shire, with the *Posse Comitatus*, as likewise our Troops and Forces to March against them and Subdue them: Yet the foresaids Thomas and Simon Frasers and their said Complices, Disobeyed the said charge, and in manifest contempt thereof, continued in Arms and Rebellion for a Considerable time after they were so charged, and detained the said Lady Prisoner for several dayes thereafter. By all which it is evident that the haill foresaids Persons and each of them Respective, are guilty as Actors at least as art and part of the Crimes of Treason and open Rebellion, convocating and conveening in Arms, unlawful Banding and Leaguing, Robbery, Ravishment, and the other Violences and Crimes abovementioned, or of one or other of them. As also, the said Mr. Robert Monro, Minister, is guilty of celebrating a Clandestine Marriage: Which being found by the knowledge of an Inquest, they ought to be punished by confiscation of Life, Lands, Honours, and Goods, and other pains of Law; to the example and terror of others to commit the like in time coming.

[Follows the first Double of the Second Libel or Indytment [2] against the Frasers.[3]]

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[1] The Pursuivant was James Guthrie.

[2] This was brought into Court on 12th July 1698.

[3] According to the *Justiciary Records*, the persons charged in this second Libel were:—

Thomas Fraser of Beaufort.
Captain Simeon Fraser, his son.
William Fraser of Foyer.
Hugh Fraser of Kinmonavie.
William Fraser of Dalcraig.
Hugh Fraser of Bolleskine.
John Fraser, younger of Migavie.
Alexander Fraser Roy, his brother.
James Fraser, brother to Littlegarth.
William Fraser of Erchitt.
Thomas Fraser in Shougly, his brother.
—— Fraser, another brother of Erchitt's.
Hugh Fraser, son to Bochruben.

That where by the Laws of this and all other well governed Realms, the Crimes of Treason and Rebellion, and open insurrection in Arms; as likewise of unlawfull Leagues and Combinations, and the convocating or conveening of our Subjects in Arms, without the Warrand of our Authority, and the Occupying, Possessing, Stuffing and Fortifieing of Houses and Forts with Armed Men and other Provisions: As also the way laying, Seising, Apprehending and making free Subjects Prisoners, and detaining them by Violence in Bondage and Captivity, and treating them with all hardship, are punishable with Confiscation of Life, Lands, and Goods. Likewise by the Act of Parliament Ja. 1st. Par. 1st. Cap. 3d. It is Statute, That no Man openly Rebel against us, under the Pain of Forfaulture of Life and Goods: And by the Act of Parlia-

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Alexander Fraser, uncle to Faraline.
Alexander Fraser of Riven.
Hutcheon Oig Fraser in Leadclune.
Alexander Fraser, son to Balmaine.
James Fraser, brother to Gortleg.
Alexander Fraser, another brother of Gortleg's.
Allan M'Donald, brother to Achadeack.
Duncan M'Taws, Officer of Strichen.
John M'Alaster vig and his brother.
—— M'Vuller, Miller to Strichen.
Alexander Fraser, sometyme in Bochruben.
John Fraser in Aberskie.
Donald Dow M'Allan at Drummon.
John Fraser, younger of Drummon.
William Fraser, his natural brother there.
Martine Cameron in Glendobeg.
John Fraser in Borland, commonly called the Major.
Hugh Fraser, sone to Culduthell.
James and John Fraser, sons to Culduthell.
James Fraser in Ardachie in Abertarfe.
Angus M'Donald, brother to Keppoch.
Alaster More M'Donald in ——
Hugh Fraser, younger of Strowie.
Alexander Fraser, younger of Culduthell.
Hugh Fraser, sone to Menchigavy.
Hugh Fraser, brother to Menchigavy.
William Fraser in Knockie, tennent to Strichen.
Alexander M'Houstoun iter in Belocharanoch.
Thomas M'Alaster cheill there.
Alexander M'Donald there.
Thomas Houstoun, sone to the minister of Stratharick.
Thomas Fraser M'William vic Iane, servant to Foyer.
Aeneas M'Bayne, brother to Drummond in Dores.
William Fraser of Gusachan.
John Fraser, sone to Teynakeill.
Donald Bayne M'Ewan vic Alaster, pyper to the Laird of Glenmoristoun.
Donald Gromach Bowman to William Fraser, sone to Teynakeill.
Donald Mantach M'Ian in Lagbuy.
Master Robert Monroe, minister at Abertarffe.
Thomas Fraser, elder of Strowie.
Alexander Fraser, sone to Mr. James Fraser at Kirkhall.

ment Ja. 2nd, Parl. 6. Cap. 24. It is Statute, That who commits Treason against our Person and Majesty, rises in feir of War against us, resets and supplies such as have committed Treason, or stuffs their Houses and holds them against us, or Stuffs Houses of their own in furtherance of Rebels; shall be punished as Traitors. And by the Act of Parliament Queen Mary, Par. 9. Cap. 75. It is Statute, That none attempt to do or raise any Bands of Men of War, upon Horse or Foot, with Culverings, Pistols, Picks, Spears or other Munition Bellical, without special licence in Write Of her Majesty and her Successors, under the pain of Death to be execute upon the raisers of the saids Bands, as also upon them that rises and conveens in Bands. And by the Act Ja. 6. Par. 8. Cap. 131. It is Statute, That none of our Subjects presume to Convocat, Conveen or Assemble for holding of Councils, to treat, consult or determine in any matter of State, Civil or Ecclesiastick, except in the ordinary judgements, without our special command or express licence, under the Pains made against such as unlawfully Convocats our Leidges: and by another Act Ja. 6 Par. 10. Cap 12. It is Statute That that no Leagues or Bands be made amongst our Subjects of any degree, without our Privity and Consent, under the pain to be holden and execute as movers of Sedition to the breach of the Peace. Which two last Acts are ratified, Ch. 2. Par. 1st. Cap. 4. And by the Act Ch. 2. Par. 1st. Cap 5. It is declared, that it is and shall be High Treason to the Subjects of this Kingdom, or any number of them more or less, upon any ground or pretext whatsoever, to rise and continue in Arms, to mantain any Forts, Strengths or Garisons, or to make any Treaties or Leagues with Foreigners or among themselves without our special Authority and Approbation first had and obtained thereto. And by the Act, Ch. 2. Par. 1 Sess. 2 Cap. 2. It is Statute and declared, That to Plot, contrive, or intend to Levy war, or to take up Arms against us, or any Commissionat by us, is punishable as High Treason. Likeas by the Act Ch. 2. Par. 2 Cap. 11. It is Statute, That in time coming,

in all Cases of Treasonable rising in Arms and open and manifest Rebellion against us and our Authority, Our Advocate for the time may and ought to insist and prosecute such Persons as he shall be ordered by us and our Privy Council to pursue. And if they be cited and do not appear, the Justices notwithstanding of their absence, may and ought to proceed to consider, and give Interlocutor upon the Libel: And if it be found Relevant, admit the same to the knowledge of an Assize, and upon their Verdict finding the same to be proven, the Doom and Sentence of Forfaulture ought to proceed, and be given in the same manner, as if the Persons accused had compeared and were present, which raising, Convocating, and Conveening in Arms without or against our Authority, with the other Crimes foresaid; are highly Aggravated, and the Treason and Rebellion becomes yet more wicked and Attrocious when they are perpetrate by Persons under Process for former Treasons, and other Capital and wicked Crimes, and after having been charged in our Names by our Officers or by a Herauld thereto warranted, to lay down their Arms, and render their Persons to abide the Law, under the pain of Rebellion. Likeas, to attempt to seise, and actually to seise and keep back by force and Violence, Persons cited and under Bail to appear before the Court of Justiciary, or any other Court or Judicature, to bear Witness and give evidence, or for any other cause or effect. As also, to extort by force and violence, Bonds, Declarations, or any other Write or Paper from any one of our frie Leidges, are likewise Crimes of a high nature, and ought to be severely punished. Nevertheless it is of Verity, that the said Thomas and Simon Frasers, and the hail other Persons above complained upon, shaking off all fear of God and regard to our Laws and Authority are guilty Art and Part of the Crimes above and aftermentioned. In so far as the said Captain Simon Fraser and his Complices above named, being either already under a Process of Treason, or designing to frustrate the foresaid Proces raised against others of their Accomplices did upon the occasion that certain persons

witnesses were to come or be brought from Stratherick, and the bounds Adjacent thereto within the Shire of Inverness, for to give evidence in the said Process anent the Crimes of Treason and others therein libelled, wickedly add to all their former Rebellions and wicked horrid Crimes, their convocating and conveening in Arms of Men to the number of two or three Hundred Men less or more ; who appearing in an open insurrection and manifest Rebellion in Arms, did upon the fifteenth of June last by past, the sixteenth, seventeenth, or eighteenth, or one or other of the days of the said Month, March in feir of War, and open Hostility against certain of our Loyal Subjects conveened by our Authority : And for furthering of Justice within the foresaid bounds of Stratherick and others within the shire of Inverness, and their Invading and Incompassing, Threatening and Over-mastering them, did seise upon their Persons, and make them Prisoners, and violently keeped back such as were either cited or under Bail to appear and give Evidence and Witness in the Process abovementioned. As also they extorted from our free Leidges certain Bonds, Declarations, and writes, according to their own wicked Imaginations and Purposes : Likeas, that they might raise and promote their foresaid manifest Insurrection and Rebellion, they sent the fiery Cross through the Countrey (a sign and simbol used amongst them to gather their Complices in Arms for making Insurrection and Rebellions, and other unlawful convocations) : As also they did place a Garrison in John Fraser's House of Meiklegarth in Stratherick, and in a word have committed most manifest Treason and Rebellion by open rising in Arms against our Laws and Authority, and using Hostilities and Violences upon our good Subjects. By all which it is manifest that the foresaids persons complained upon, or an or other of them are guilty of the Crimes of open and manifest Rebellion in Arms, Treason, unlawfull Convocation, Violent Imprisonment, and the haill other Crimes above libelled : Which being found by the knowledge of an Inquest, they ought to be condignly punished by the Forfaulture of Life,

Lands, Honours and Goods, to the example and terror of others to commit the like in time coming.

This being the Libels and Inditements raised and pursued by his Majesties Advocat, against the forenamed Persons, and the criminal Letters, containing the same, with the Executions thereof by Pursevants and Heraulds, which [with ?] Coats of Arms displayed, and sound of Trumpet, and other Solemnities appointed by Act of Parliament, having been duly returned to the Clerk of the foresaid Court of Justiciary, at the Days and Diets thereof: His Majesties Advocat after the Court was fenced, and that he had first given in the Order and Warrand of the Lords of his Majesties Privy Council, for his pursuing of the foresaid Process of Treason, produced the criminal Letters of Treason duly execute; and the Pursevant who execute the Letters, with his Witnesses being solemnly sworn, and having made Faith upon the Truth of the Executions, his Majesties Advocat declared, that the Persons summoned, against whom he intended to insist, being absent, and not compearing, to underly the Law, he did insist against the Persons after named, in order to their Forfeiture in absence, viz. Captain Simeon [*sic*] Frazer, Eldest lawful son to Thomas Frazer of Beaufort, William Frazer of Fogr, Hugh Frazer in Kinmonavie, William Frazer in Dullcraig, William Frazer of Erechit, Alexander Frazer of Kilduthil Younger, Hugh Frazer *alias* Huiston Oig in Leadclune, Alexander Frazer in Ruthven, John Frazer his Brother, Alexander Frazer son to Farratin, Alexander Frazer son to Meggivie, Tais Frazer, brother to Littlegarth, Thomas Huiston, Son to the Minister of Stratherick, Æneas Mackbane Brother to Drummond Mackbane, Hugh Frazer Son to Struie, Hugh Frazer Younger of Bochrubine, John Frazer Brother to Old Kilduthil, Major Thomas Frazer Elder of Strouie, Hugh Frazer Brother to Strechit, and John Frazer Younger of Megivie. Whereupon the Lords of Justiciary, having with consent of his Majesties Advocat, deserted the Diet as to certain other Persons contained in the Inditement, and his Majesties Advocat having restricted the Libels

against Captain Simon Frazer and the other Persons insisted against, to their treasonable rising in Arms, and open Rebellion against his Majestie, in the terms of the Act of Parliament 1669, which in the Case of these Crimes, allows and ordains process of Treason to proceed before the Lords of Justiciary, against the Persons thereof accused, tho absent, with all the aggravations libelled, or aggravating the said Treason and Rebellion.[1] The Lords Commissioners of Justiciary, after consideration of the saids Libels and as restricted in manner foresaid, found the said Libel so restricted, relevant, to infer the Pains of Treason, and remitted the same to the Knowledge of the Assise.

And the Assise consisting of Fifteen Persons,[2] being called and chosen out of the Forty Five Persons that had been named and given out in a List with the Libel and Criminal Letters, that the Defenders might see and object (if they had any Exception against them). And no Objections being moved against them, they were all lawfully sworn.

And then his Majesties Advocat produced for Probation the Letters abovementioned in the Libel, direct by the Lords of his Majesties Privy Council against the said Captain Simon Frazer and his Complices, charging them to lay down their Arms, render up the Houses by them stuffed and fortified, and to submit themselves, and enter their persons in prison, in the Tolbooth of Inverness, to underly and abide the Law within the space of Forty Eight Hours; under the pain of Treason and Rebellion, and denuncing them as such to the Horn. And also (in

[1] That is to say, the whole charges were dropped against the majority of the persons accused, and in the case of the others the only charge not dropped was that of treason—in which alone it was possible to get a conviction in absence.

[2] They were: Sir John Clerk of Pennycuick; Archibald Primrose of Dalmeny; Sir William Hope of Kirklistoune; Archibald Murray of Spott; Sir George Hamilton of Barntoun; Sir John Shaw of Greenock; Sir James Dick of Preistfield; Andrew Paterson of Kirktoun; Mr. Robert Blackwood, merchant; James Livingstone, merchant; George Clerk, late bailie of Edinburgh; James Marjoribanks, merchant there; Patrick Crawford, merchant there; John Lindsay, merchant there.

case of their Disobedience) commanding the Sheriff of Inverness, and all other his Majesties Officers and good Subjects, to rise, concur and act in Arms in feir of War, for reducing the saids Rebels and Traitors to Obedience, and to apprehend and bring them to underly the Law, as the saids Letters more fully bear. Together with the Execution of the saids Letters, whereby it appeared, that the foresaid Defenders were both lawfully charged upon the Day of And for their Disobedience and Contempt, duely denunced and put to the Horn upon the day of the said Month of . Thereafter, and for the more Verification of the said Charge and Execution, his Majesties Advocat did furder adduce the Pursevant, who execute the same, with the Witnesses to the Executions, who being all solemnly sworn, made Faith upon the Truth thereof in all Points.

But here it is to be observed, That albeit the foresaid Letters were directed by the Lords of his Majesties Privy Council for charging the saids Defenders to lay down their Arms, etc. And in case of their Disobedience for denuncing them Rebels and commanding the Sheriff of the Shire, and all others his Majesties officers and good Subjects, to march against them as such: And that the foresaid Letters and Executions were also made use of by his Majesties Advocat for a further Evidence of the Defenders Treasonable rising in Arms in open Rebellion, in regard of their obstinat continuing in Arms after they were thereby charged; yet that the Defender might have all fair Justice, and that no pretext might be left them to alledge, that it was incongruous and unjust to proceed to try them for their Crimes in Judgement, for adducing Probation against them, when in the mean time they stood legally debarred, and were rendered incapable to compear, as having been denunced Fugitives, and so deprived of *personam standi in judicio*, care was taken before the day appointed for their Compearance, to take out other Letters by Deliverance of his Majestie Council, for relaxing them from the Horn, and discharging their

Out-Lawrie as Fugitives, that if they had pleased to Compear in Judgement, and defend, they might have done it as freely as any other of his Majesties Leidges; but the Persons insisted against not compearing, his Majesties Advocat went on with his probation. And the principal point to be proven conform to Interlocutor, being their treasonable rising in Arms, and open Rebellion against his Majesty: He adduced in all Fourteen Witnesses, whereof Eleven Men and Three Women. The Men, Alexander Frazer of Balnean, Thomas Frazer of Gortilick, William Frazer of Kilbockie, Robert Spence in Sudie, Alexander Macknish in Groom, Mr. Leonard Robertson of Stralock, Mr. George Frazer, Sub-Principal of the Colledge of Aberdeen, John Monro late Servant to Captain Simon Frazer, Alexander Stewart, Brother to Ulart [Urrard ?], Peter Frazer, Servant to Balnean, and William Oig Frazer Tenent to Balnean.

Who being all witnesses in this Case above Exception, and many of them Landed Men, did prove the Defenders their Treasonable raising in Arms, and open Rebellion with the greatest Evidence that could be desired. For tho it was not to be expected, that Eleven Witnesses should depone uniformly against Twenty Persons, all engaged in a Treasonable Conbination, and raising in Arms, consisting of several steps, Convocations, Rebellions, Meetings, actings in a tract of Time, and in several places; yet it is most Clear and Apparent from the Testimonies lying in Process, and upon Record, That Against every one of the Defenders, there were at least two or three Witnesses to prove their Accession: And further, That as to the Principal and most attrocious Acts of their Treasonable Insurrection; There was an evident Concurrence of the greatest part of them all; In as much as the Witnesses being solemnly Sworn, did make Faith, and gave their Deposition upon the whole Points and Articles of both the Libels, in reference to all these particulars. First, The Combination, Convocating and Conveening in Arms, without any lawful Authority. 2do The violent Seising of the Prisoners. 3tio The taking

the House of Fanellan, and keeping the Prisoners under Guards therein. 4to The Keeping Garisons and Guards upwards of a Hundred Men in the House of Fanellan and Castle-Downie. 5to The raising of the Countrey, by sending the Firie Cross, and making the Cry called the Coronch pass throw it, the ordinary Signal for raising the Countrey in Arms in these parts. 6to The Mustering of Men in Arms under Commanders, and with Colours, sometimes above Two Hundred, and sometimes above Three Hundred. 7mo The setting and keeping of Centinels and Guards and detaching of Parties. 8vo Their marching with their Prisoners under Armed Guards throw the Countrey to remote Places. 9no And wherein, in effect the whole Defenders were engaged; Their continuing in Arms in feir of war and an open hostile manner, sometimes above Two Hundred, after they were charged in his Majesty's Name, by warrand of the foresaid Letters directed by the Lords of Privy Council, to lay down their Arms under the pain of Rebellion. And 10mo and lastly, Their again Convocating and Conveening in Arms several months after they had been charged to lay down their Arms under the pain of Rebellion, as said is, to the Number of two or three Hundred, and marching against, and again seising his Majesty's free Leidges, for acting for His Majesty's Authority, and making them Prisoners.

All which particulars, the several and manifest steps of a most Treasonable raising in Arms and open Rebellion, having been proven, and for the greatest and most attrocious part against the whole Defenders. The Probation as to the principal point was concluded with the most full and satisfieing evidence.

And as for the Aggravations, viz. The Injuries and Indignities done to His Majesties free Leidges, and those Persons of Honour and Quality, the making and treating them as Prisoners with all Severity the threatening them with Death, by setting up a Gallows in their View before their Windows, when under closs Restraint in separat Chambers, their carrying them about under Guards as Prisoners, and detaining of them for several

days, their most Inhumane, Cruel and Barbarous Usage of the Lady Dowager of Lovat, and carrying her with them, in a most Afflicted Captive Condition for several Weeks, thorow the most Barbarous and Mountainous Places that can be imagined, and extorting from her, by the Extremities of Violence, such Writings and Declarations as they were pleased to demand, all these Aggravations were also proven by the foresaid Witnesses, at least two of them, to every particular. And further, the Detestable and Horrid Violence done to the Lady Dowager by Captain Simon Frazer, and his Wicked Complices, was yet more particularly and distinctly proven by Mr. Leonard Robertson of Straloch, and three Women, who, no doubt, in a Case so Circumstantiat, were not only necessary, but most lawful and sufficient Witnesses. But because this Violence was acted and perpetrat by the said Captain Simon with such Cruelty and Barbarity, as is scarce credible, the summ of the Evidence given in this matter is here more particularly set down as follows.

Mr. Leonard Robertson of Straloch [1] Aged 44, *solutus*, purged and sworn, Depones That upon the sixteenth of October last, being Saturday, he came to Inverness, and was there informed, that the Lady Dowager of Lovat was under restraint at Castle-downie, whereupon he repaired to that place, and after some difficulty made, got Access to my Lady, who acquainted him with the proposals that Captain Simon Frazer had made to her; and intreated the Deponent, to perswade the Lord Saltoun, and her Brother Lord James Murray to condescend to the Terms; which the Deponent undertook: And having returned to Inverness, prevailed with them to sign the Articles, for her own and Lord Mungo's Liberation, and brought them back to Castle-Downie on Tuesday, to get my Ladies hand to them. Which being done, the Deponent expected nothing, but that my Lady was fully at Liberty.

[1] A dependant of the Atholl family. The Reid (Ruadh) Robertsons of Straloch were an old branch of Clan Donnachie, and their head was generally known as the Baron of Straloch. On 27th November 1717 Alexander Robertson was served heir-general to his father, Leonard Robertson of Straloch.

But when he was conveying her to her Horse, they were both stopped at my Ladies Chamber Door, and there was a Chair and a Centry set at my Ladies Door, and all the rest of the Centries doubled; and the Deponent himself, after some time, was put under a Guard of Centinels, and was so detained under Restraint till the next day at ten of the clock, That complaining to Captain Simon, the Deponent was permitted to pay a Visit to my Lady, whom he saw in a very Disconsolat Condition, and softly spoke in his Ear, For Christ's sake take me out of this place either Dead or alive, and that he observed my Ladys face all swollen, and she fell in a Swound the time the Deponent was with her; and my Lady suspecting that he had not fully heard what she had spoken to him, sent her servant Mrs. Mackbryar with Commission to repeat the same words to him, which she did. And the Deponent thinks Captain Simon had at least Three Hundred Men with him at that time, all well Armed, in and about the House of Castle Downie, and that he heard at the time some person Lamenting and the Bagpipe played about the same time, but knows not whether it was to drown the Voice or not. And further Depones, That the next time he saw my Lady was, That the Laird of Collodine and the Deponent came to the Water side near the Isle of Aigis; and Captain Simon having come over to them by Boat, the Deponent desired to see my Lady, which he shun'd, telling him, That my Lady did not desire to see him; and the Deponent replyed, That it was not done like a Commerad; especially seing it was reported at Inverness, That my Lady was Dead, or near expiring. Captain Simon Answered, That he should be soon cleared of the contrary; and returning in his Boat, he caused bring out my Lady in their sight: But so weak, as she was supported by two and then carried her back again to a little House upon that Island: But the Deponent having asked at Mrs. Mackbryar from the other side of the Water, to try at her Lady, if she had discharged the Deponent to see her; she went accordingly and brought back word, That she desired nothing more than to see

the Deponent, except her own Liberation, and to tell her Brother Lord James, that she was some better, and lived longer than she desired: And that the Deponent saw my Lady several times after that, where she made heavie Complaints of the bad and rude usage she had met with; but her Guards and others suspecting the Deponent, because he would not comply anent some Papers they were drawing up, for their own pretended Security, he had not that free converse which he had formerly; And that this was the third or fourth Night after the Charge given them by the Herauld, to dissipat and lay down their Arms, and set my Lady at Liberty. And at the time when my Lady parted with them, and went away with my Lord Forbes, the Deponent saw about two Hundred Men in Arms with Captain Simon Frazer.

Sic Subscribitur LEONARD ROBERTSON.

Amelie Rioch late Servitrix to my Lady Lovat, aged 16 years, sworn and purged, Depones, That about the time libelled, she being a servant to my Lady, Captain Simon Frazer with several Armed Men, came to Castle Downie and set Centinels on my Ladys Chamber without and within the Doors, with drawn Swords; That, Captain Simon's Men carried by Force my Lady's waiting Maids Mrs. Mackbryar and Mrs. Janet Frazer, and the Deponent, out of her Room, and made them Prisoners in another Room; That about Two of the Clock in the Morning, two Armed Men came and carried the Deponent back to the Ladys Chamber, where she did see the Lady sitting on the Ground, her Hair hanging down about her Head, leaning backward to the Bed-stock; That one Donald Beaton was pulling off my Ladys Shoes, and Captain Simon was holding Aquavitæ and brunt Feathers to her Nose, because she was then in a Swarf; That thereafter they commanding the Deponent to take off my Lady's [shoes], and when she offered so to do, my Lady spurned her away with her Feet, shewing her unwillingness; That the Deponent refusing to take off the Cloaths, Captain Simon ordered to beat her; that Frazer of Kinmonavie did

then hold up the Lady in his Arms, and Captain Simon pulled off her Petticoats, and sought a knife from Hugh Monro to cut her Stays; and because he had none, the Captain ordered Frazer of Kinmonavie to cut her Stays with his Durk; And then they threw the Lady upon the Bed: But the Deponent saying, that she would take off the Ladys Stays, they went a little out of the Room, in which time the Deponent did again fasten the Stays; but they returning were displeased, that the Stays were not taken off, and commanded to put the Deponent out of the Room; and then they turned the Lady upon her face, and stretched out her Arms, and so took off her Stays, which the Deponent did see, because she went not out of the Room, but stood at the Foot of the Bed. And when the Deponent was going away, she heard my Lady Cry, but the Bagpipe did play all the time in the next Room to my Lady's Chamber, that her cries might not be heard. Depones that next morning, she went into the Lady's Chamber, and see her Head hang over the Bed, and nothing upon it except a Handkerchief. That the Deponent did see all the Lady's Face Swollen, and she spoke nothing, but gave her a broad Look. And the Deponent thought that my Lady was not sensible for a day or two thereafter; for she did not know Lord Mongo her Brother the next Morning, when he came to see her; and when her Servant told her, here is your Brother at the Bed side, the Lady asked what Brother, albeit she was looking him in the Face with fair Day-light. Depones, that when she and the other Servants were carried by Force the first night out of my Ladies Chamber; the Ladie stood up and held out her Arms and cried: And when Dumballoch's Lady came the next Morning to the Room, and called her Madam; my Lady answered, Call me not Madam, but the most miserable wretch alive. Depones, That she see my Lady carried Prisoner from Castledownie to the Isle of Aigis at twelve of the Clock at Night, and from that to Culgrain, and from that to Deanie, and then to the Isle of Muile.[1] The

[1] A place in Glenstrathfarrar.

Reason of her Knowledge, because she went along with her.

This Disposition was the more credited that the Maid tho young, not above sixteen Years, did nevertheless in the Presence of the Court, and Hundreds attending it, depone with a Firmness and Constancy, particularly observed by all that heard her, and her foresaid Deposition was immediatly confirmed by Janet Frazer, Daughter to Dumbaloch, who agreed in her Deposition with Amelie Reoch, as the Violence put upon the Lady, and her being carried forcibly from her, and as to the sad and afflicted Condition, wherein she see her the next day.

Janet Frazer, Daughter to Dumballoch, aged 16 years, unmarried, sworn and purged, Depones, that at the time libelled, Captain Simon Frazer and several Armed Men, came to the House of Castledownie, and thereafter, there being Guards and Centries set on my Ladies Chamber-door, the Deponent and Mrs. Mackbryar, being my Ladies Lovats Servants, were about Twelve of the Clock at Night, carried by Force out of my Ladie Chamber, and my Lady taking hold of the Deponent's Cloaths, and Crying out when the Deponent was pulled away by Force, my Lady fell on her Face. Depones, that next morning the Deponent came to my Ladies Chamber about Eight a Clock in the Morning, and did see my Ladies Head hang over the Bed Stock, and see her Face swollen. And the Deponent enquiring anent my Ladies Health, my Lady answered, I am dead. And about Twelve a Clock that day my Lady appeared altogether unsensible, and did take the Deponent for Lady Catharine my Ladies Sister, who had died several years before, and about Four a Clock the same Afternoon, my Lady did not know her Brother my Lord Mungo, and could not speak to him. Depones, that about Two a Clock the same day, my Lady fell in a Swerf, and continued out and in the Swerf about two Hours. And this is the Truth as she shall answer to God : And depones she cannot write.

Likeas Christian Mackclean, late Servitrix to James

Frazer of Relict, did likewise in her Deposition agree with them.

Christian Mackclain, late Servitrix to James Frazer of Relict, aged 24 Years, unmarried, purged and sworn, and interrogat by the Lord Aberuchil and Mr. Thomas Frazer sworn Interpreter, in respect she cannot speak the English Language, Depones that the time libelled, particularly that Night that they talk of the pretended sham Marriage, she being a Servant in the Family, had the Charge of a young Child, being in the Next Room, to my Lady's, and the Doors of my Lady's Room, and the Room where the Deponent was being open, and the Doors guarded by Armed Men, she heard my Lady Moan and Lament. In the meantime there were Bagpips playing, and yet she heard my Ladys Voice So loud, that the sound of the Bagpipe did not drown her Voice. Depones, That she saw Kinmonavie drawing a Durk from one of the Centries that was at the Room where the Deponent was, and rush into the Room where the Lady was with it. Depones, that the Deponent was guarded so strictly, that she could get neither meat nor Drink for her self nor the Child, nor none allowed to come near her from Twelve a Clock of the Day, to Eight a Clock next Morning. Depones, she saw Captain Simon Fraser there, with the most part of the other Persons insisted against, all in Arms, and saw a great many moe People in Arms in and about the House. Further Depones, That before the Pipes were bended up, she heard my Lady Crying and clap her hands, saying, Is there no Person here that hath any Christian Blood in them, who will have no respect to my Woes, and repeated very often Lord have Mercy on her Soul. This is the Truth, as she shall answer to God. And depones she cannot write.

Sic Subscribitur THOMAS FRAZER.

All which Depositions as to the Centries set within and without the Ladys Chamber, and the Violence then done her, and the playing of the Bag-Pipe to suppress her Crys and the carrieing of her Captive from place to place,

were further confirmed by what the foresaid men witnesses did declare in their several Depositions as to these Points.

His Majesty's Advocat did also produce and lay before the Assise, the principal Letter mentioned in the first Libel,[1] write by Beaufort elder and younger, and their Complices, for declaring their wicked Conspiracy and Combination, and which Letter was also attested by several of the Witnesses.

From all which it was most manifest, that the Defenders their Treasonable Rising in Arms and open Rebellion against his Majesty, and the Aggravations above libelled, were fully and clearly proven: And accordingly the Assise did return their Verdict, bearing, That they all in one Voice did find the Libel with the Aggravations thereof, as the same was restricted by the Interlocutor of the Lords, clearly proven against the said Captain Simon Fraser and the other Persons insisted against in absence, as said is.

After opening and reading of which Verdict of Assize, the Lords Justice General, Justice Clerk, and Commissioners of Justiciary, in respect thereof, Decerned and Adjudged the said Captain Simon Frazer, and the whole Persons contained in the above-written Verdick, to be Execute to the Death, Demeaned[2] as Traitors, and to undergo the Pains of Treason and utter Punishment, appointed by the Laws of the Realm, at such Times and Places, and in such Manner, as the saids Lords should appoint: And ordained their Name, Fame, Memory and Honours to be extinct, and their Arms to be riven forth and delete out of the Book of Arms; so that their Posterity may never have Place, nor be able hereafter to Bruik or Joice any Honours, Offices, Titles or Dignities, within the Realm in time coming: And to have Forfeited, Amitted and Tint, all and sundry their Lands, Heretages Tacks, Steedings, Rooms, Possessions, Goods and Gear whatsoever pertaining to them, to our Sovereign Lord,

[1] *Vide supra*, p. 12.

[2] 'Demaine,' to strike off the hand.

to remain perpetually with His Majesty in Property. And this Sentence was by Sound of Trumpet, and all other Solemnities for Doom.[1]

For Conclusion then of this Account, it remains only to be remarked, First That both the Lybels are so evidently relevant, and the Probation so full and clear, that there cannot remain the least Scruple or Doubt, as to the orderly Procedure and just Issue of this Tryal.

It may possibly occur, that all the foresaid Convocations, Meetings and Actings in Arms were only upon the Occasion of a pretended privat quarrel, and not designed against his Majesty and his Government. And further, that the foresaids Persons found guilty, did several times openly declare, That from all their Bonds and Engagements to maintain and stand by one another, the King was expressly excepted. But to this it is Answered, That the Duty and Crimes of Subjects are to be measured and judged by Deeds, and not by Words. That the Words of the Law are most express, And it shall be high Treason to the Subjects of this Kingdom, or any number of them, more or less, upon any Ground or Pretext whatsoever, to rise and continue in Arms, to maintain Forts or Garrisons, to make Peace or War, to make Treaties and Leagues with Forreigners, or amongst themselves, without his Majesties special Authority and Approbation first interponed thereto. That there is nothing more easy and ordinary for Men, than to colour their Treasonable Rising in Arms, with specious Pretences and Excuses. And Lastly, That it is most certain, That as the foresaid Criminals, and their Complices, did disobey and contemn His Majesties Authority, charging them to lay down their Arms under the Pain of Rebellion, so had they been able to have opposed and overthrown the whole Forces and Strength of the Government, they had certainly done it, in the Prosecution of their Wicked Designs.

[1] From the *Justiciary Records* it appears that the proceedings were followed by an application on behalf of the witnesses which illustrates the conditions and cost of journeying at the time, and also explains the prolongation of the trial. It is printed as an Appendix at p. 45.

It may likewise appear strange to some, to hear and see so many Forfeited upon this Occasion. But these Persons ought first to consider, that the Persons found guilty, were the Chief Ringleaders in all the Steps of the foresaid Rebellion, and Barbarous Outrages, and who forced others to take Arms.

As also they ought to reflect, that several Hundreds whom the Law reaches, are nevertheless past by and overlook'd, and the foresaid Persons only insisted against, as necessary Examples to restrain such Lawless and Pernicious Practices: And that tho the foresaid twenty Persons be condemned, for the Indispensible Maintaining of His Majesties just Authority, and Repressing and Curbing the Madness of such Heady Desperat Traitors: Yet the Estate and Interest of all of them taken complexly are not worth Fifty Pounds Sterling by Year; nor are they in the least valuable as to the Peace of the Kingdom, it being known, that the greatest part of them were Thieves and Murderers, and so glad of any Pretence to continue their Lawless Practices, and keep themselves out of the Hands of Justice.

Some few Moneths after the foresaid Tryal, the saids Hugh Frazer, *alias* Hutcheon Oig, and John Frazer younger of Migavie, two of the Convict Persons above-named, being apprehended in the North, were sent Prisoners, under a Guard of His Majesties Forces, to the Tolbooth of Edinburgh: And being called upon the 11th of April last before the Lords of Justiciary, and Interrogat, if they did bear the Names and Designation above-written, and if they knew any others of these Names and Designations, they acknowledged their Names to be as above, viz. Hugh Frazer, *alias* Hutcheon Oig, and John Frazer younger of Migavie, and that they knew of no other Persons of their Names and Designations, which Judicial Acknowledgment they Signed.

The said Hugh Frazer, *alias* Hutcheon Oig, and the said John Frazer younger of Migavie, by the former Sentence, being ordained to undergo the Pains of Treason, appointed by the Laws of this Kingdom, at such Times,

Places, and in such Manner, as the Lords of Justiciary should appoint, in respect they were then absent: And they being now brought before the Lords, to hear the Time, Place, and Manner of the Execution appointed, The Lords of Justiciary Decerned and Adjudged the said Hugh and John Frazers to be taken to the Cross of Edinburgh, upon the fourth of August thereafter, betwixt two and four a Clock in the Afternoon, and there to have their Heads severed from their Bodies.

Thereafter in the Year 1701, Captain Fraser and the other Persons convicted by the foresaid Sentence, had the confidence to resort to Edinburgh, and give out by his Emissary's that he would stand a tryal for the Rape, and hame sucken committed by him on the Person of the said Emilia Lady Dowager of Lovat.

The Lady Dowager and her Friends considering that tho the foresaid Crimes of Rape and Hame-Sucken were fully proven in the former Tryal, yet being then insisted in, only as Agravations of the Crimes of Treason and Perduellion; it was thought adviseable to raise a new Process at the Lady Dowager's instance, with concourse of His Majesty's Advocate, against Captain Fraser and his Accomplices for the said Crimes, that they might have a new opportunity of pleading their Defences against so Barbarous and inhumane Crimes, if their consciousness thereof would allow them Courage to stand their Tryalls.

There is accordingly a criminal Process raised, setting forth the foresaid Crimes with their Aggravations.

At the Day of Compearance the said Lady Dowager of Lovat, did personally compear in presence of the Lords of Justiciary, and demanded Justice for the Barbarous usage she met with from Captain Fraser, and His Majesty's Advocate craved the same for His Majesty's interest: But neither he nor any of his Accomplices having appeared, albeit his Emissarys did with great confidence and assurance give out, that very Day, he would stand his Tryal, The Lords of Justiciary therefore declared him and his Accomplices Fugitives, and they were thereafter denounced Rebells.

Upon which Denunciation the Lady Dowager obtained from His Majesty's Privy-Council, Letters of intercommuning and a Commission of Fire and Sword: All which are sufficiently instructed by the said criminal Process, with the Warrants granted by the Privy-Council in consequence thereof.[1]

Its to be observed, that according to the Laws and Customs of Scotland there could be no Probation led upon the foresaid Libel, in regard Captain Fraser and the other Defendants were absent, but the Crimes of Ravishing and Hame-sucken being admitted to Probation in the former Tryal as is above-mentioned, the Probation there adduced is as convincing and evident, as if the same had proceeded upon the last Libel.

The following documents complete the story so far as the Dowager was concerned, and also show the vigorous but unsuccessful attempts to capture Captain Simon.

The letters do not disclose to whom they were sent, but it was probably to the Earl of Marchmont, then Chancellor of Scotland.

TESTIFICATE of her release by Amelia Lady Lovat, 18 November 1697

For as much as the Lords of his Majesties most Honble privie Councill have issued furth yr ordors to the Shirreff prinll. of Inuernes & his deputs to convocat and raise in Arms The whole heretors & yr tenents & servants & oyr fencible men within the sd Shyre and to call to yr assistance Sir John Hill [2] Comander of ffortwilliam with the officers & souldiers under his comand As also to call & requyre William Lord fforbes [3] one of the sd Lords of privie Councill with the officers of his Regiment of dragouns haveing his ordor & the souldiers under yr comand and lykwyse the

[1] Though the lady lived till 1743, no further proceedings were taken by her.

[2] Best known for his share in the Massacre of Glencoe, in which he was more successful than in his pursuit of Lovat.

[3] William, 13th Lord Forbes.

Sreff. prinll. of the sreffdom of Perth & his deputs who are authorized by Comissione for that effect to convocat & raise in arms the heretors & oyr fencible men within the samen, And that toward the delyverance of our persone from Thomas ffrasser of Bewfort Captain Simon ffrasser his sone & yr accomplices These are to testifie that the sd Shirreff of Inuernes haveing put his sd ordors to dew execu^{o}ne and the sd William Lord fforbes and Sir John Hill with the officers & souldiers under yr comand haveing anssred his call and marched out ag^{t} the sd Thomas & Simon ffrassers our persone was delyvered by yem according to the Councills will upon the sexteent instant and wee at freedom to goe where wee please. In witnes qrof wee have sub^{t} these at Innchess this eighteent November 1m vic^{s} nyntie seven years befor thir witnesses Lord James Murray our broyr. William Lord Nairn our oyr broyr. Leutenent Collonell James Bruce & Cornett John Murray in the Lord fforbes his regiment of Dragouns.

A. Lovett,
Ja. Murray witnes,
Nairne,
J. Bruce,
Jo. Murray witnes.

LETTER from William Lord Forbes, December 4, 1697

My Lord,—Sunday last I have lyne from my Lord Athole wherin was Inclosed your Lo's order for apprehending My Lord Fraser, Fraser of Strichen, and Fraser off Errogie. Capt Denholmes Troop who lay nearest to that place, he liveing in Buchan in the shyre of Aberdeen, is gone to bring him. According to order, Fraser of Strichen I sent for, he living at Castle Stewart within a few myles of this, by a party; he is not weill of a long sickness he hase hade as the physicianes hes given ther declaratione of his yet Illness, so I have sent ane officer with a guard to Castle Stewart. Besydes he hes given Baill with sufficient sureties for £500 starling to appear when called by the Commander in Chieff here. Fraser of Errogie is in the

Shirreffs hands he being one of thos who cam in at first But I presume it was Fraser of Erchett he being still one of thos who adheres to Capt Simone: in my last I gave Accompt I hoped to have something done as to apprehending Simone and his Accomplices. I placed the Troopes so that I could not miss I sent out partyes to all hands Mundayes night and Tuesdayes Morning the Badness of the weather and want of Moonshyne and the descending the great Hills discovered the party They pursued Simone who hade gote a few men together and rune into the woods by that tyme the foot and dragoones cam up which I sent from this place they hunted up and downe in the worst of wayes and storme, rested that night but nixt day orders coming for disbanding I was obleidged to call them back.

My Lord, My last gave Account of the unpracticable procedur of My officers how unjust I leave to your Lo. and will still hope for satisfactione it being it touches me so near, as for what hes happened now at our disbanding and this irregular procedur of the men is unanswerable, I endeavoured all I could to obleidg the officers to Adjust matters with the dragoones when first they took to Armes without orders If my orders hade not been to be disbanded at Inverness I hade broke them all sepperately bot once being mete no doeing without all ther unreasonable demands, such as the Cloathing Money wheras ther is non, the fonds being exhausted, as I fund to pay ther Cloathing they wear I used all fair meanes Immaginable bot ther is so much owing of the Subsistance; and how fare I have overpayed the Commanders of Troopes on November your Lo. knowes by the abstracts I sent wp last, that I could not but order Immediately since payed by me they should pay ther men which some did others made fair promises bot nothing would do, they being so Bitt, with that they refused to quit ther armes or horsses and keeped still at a distance being affrayed of the foot here Though Inferior to ther number By no meanes would com in to Towne or near I Reffer to the provest and Shirroffs report, onely shall I say by that wnworthy

protest of my officers all this hes happened the men being perswaded by that I have wronged them. My Endeavouring to bring them to order and paying ther men regullarly is the occasione of all the affronts, and Injuries done me, as for the mens goeing away in such a Mutinous and deserting manner I abhore and humbly Beges your Lo. would enquyre from whence all this hes proceeded.

Ther is a great many hes given wp ther Armes According to order which I have putten in the Castle. I leave this place Just now sending this the Highland way being the nearest, that your Lo. may doe what is convenient, at all tymes and in all places I hope to acquist myself as I ought to the government & your Lo.

Being that I am, My Lord, Your Lo. Most obedient and Most Humble servant, FORBES.

INVERNESS, *dec.* 4, 1697.

LETTER from Major ALEXANDER ANDERSON

INNERNESS, 27 *Dec*^{r} 1697.

MAY IT PLEASE YO^{R} LO.,—Having had intelligence that Capt Frazer and those I mentioned in my last with fiftie or sixtie and sometimes more men with them were in the Brays of Strathglash, where they kept guards, did sorne and cesse the countrey thereabouts; I sent to Capt Stuart who commands in Invergerry to march a party from his garrison, whilst at the same time, I should march from this in order to surprize or at least force them from their stations in those parts, Accordinglie on Thursday the 23rd both partys marched, but the waters being swelled with a thaw that happened that day and the storm being but litle abated in those parts did so retard our march, that they had notice ere we could come at them, nevertheless we went on and made them disperse and betake themselves to the woods; and having staid two nights thereabout and charged the people who had not joined them, not to give them any assistance or harbour ym

without giveing notice to the nearest garrison, both partys returned each to their own garrison.

My Lord, It is a vast trouble and fatigue at this season to march great partys into these parts being the wildest and most innaccessible places, that I know in the highlands, be reason of severall unfordable rivers, narrow glens and prodigious rocky high mountains and woods, and this journey hath broken and bruised many of bothe officers and souldiers their leggs & arms and many of them have taken feavers at their return, besides the loss of firelocks broken with the falls: but I find the Country people begin to feel the burden of mantaining so many men, wch I suppose will soon obleidge them to separate and then they may be sett and surprised with small partys and pickt up one & one; In the meantime I shall lay myself out to learn intelligence of their motions and give acco^{t} yrof to your Lo. Who ame,

May it please yor Lop, Your Lo. most obedient and most humble servant, AL. ANDERSONE.

LETTER from Major ALEXANDER ANDERSON

MAY IT PLEASE YO^{R} LORDSP,—I have been useing my best indeavors to execute the orders given me, against Simon Fraser and his complices but by reason of storme, unfordable rivers, the distance they keep themselves at, and most of all the favour the countrie bears them, who give constant inteligence of our motions, finding it almost impossible to surprize them either from this place, or Invergarie, I thought it absolutely necessarie to send some parties to ly and quarter in the places most frequented by them, which accordingly being done, they did immediatley remove, and lessned ther partey; Simon himself taking but a small partey with him; left the glens of Strathglase wher they hanted this while past, and notwithstanding a partey I caused post at the head of Loughnesse to intercept them, they got over to Strathharik hauing as I am since informed crossed the lough by boat in the night time, wher

they have been lurking thes foure dayes past, I had a man with them yesternight about eight a clock, who tels that they wer then about to crosse the lough againe for which reason I intend as soon as I can to send out a partey to conveen all the boats upon the Lough, bring them to one place and secure them or render them useless, yet after all unlesse that some way or other the Countrie people be made to suffer for his being amonge them and those that goe along with him punished in their goods it will be deficult of a sudden to apprehend their persons howbeit I shall continue to use all possible indeavors: Who am,

May it please yor Lordsp, Yo^{r} Lordsp Most faithfull and Most obedient servant, AL: ANDERSONE.

INNERNESS, *Jany.* 17*th*, 1698.

LETTER from Major ALEXANDER ANDERSON

INNERNESS, *Jan^{y}* 24th, 1698.

MAY IT PLEASE YO^{R} LORDSP,—In my last of the 17th current, I gave yor Lordsp, an account, how that the parties posted in the Aird and Strathglass had chased Simon Fraser and his followers thence; that they had crossed Loughness in boat over to Strath-harik, and for that reason, that I was resolved to conveen & secure all the boats; but afterwards bethought myself to macke use of it to a greater advantage; and therby to entrap the Rebels themselues, for finding that they resorted in places neer to the Lough side where their main refuge, if pursued, must be their boats wherof they had a number sufficient at once to transport between four score & anc hundreth men; I laid my Designe as folloueth; I called a partey from Invergarie to guard the head of the lough at Killiwhimine, I sent some men in highland cloathes to stopp boats from crosseing from the north side to give them intelligence; and soon after followed with the parties that lay in the Aird and Strathglass which I posted in the woods upon the lough side opposite to the place wher their

boats were, where we continued from twelue a clock thursday till nine in the morning friday (at which time the signe was given by the Dragoons on the other side which I had formerly conserted with them) exposed to the weather which was vehemently cold all the while. At the same time I had ordered Capt Hamilton and Capt Denhame with their Troups of Dragoons to march from Inrerness hauing mounted some of our foot to be guides to conduct them wher the Rebels were, & give them alarme, that so they betaking themselues to their boats might fall into our hands who were posted under covert on the other side ready to receaue them, all which was exactly and in due order performed, so that had not the Rebels (by chance as I think) remoued the night before foure or fiue miles up towards the hilly part of the countrie to meet ther with some of the countrie men, I am Confident the project had succeeded to our mind. But being so far out of our way and hearing of a party coming against them they fledd toward Badenough being as I am told as numerous as at any time since they were outlawed, and the Dragoons tell me that in twenty foure hours that they were in Strathharik they did not see three men. My Lord I beg pardon for troubling yor Lordsp. with the long recitiall of a fruitless attempt, which is but one of maney, but though the success hath not been answerable to our pains and trauell, I am loath we should also be thought to ly still and doe nothing; the Rebels are got back againe to the north side of Loughness, they are about an hundreth men together but keep at such a distance that we cannot march from this to them in one day, nor do I expect to get much done against them till the storme & frost be ouer, houeuer I shall inbrace euery opportunity that presents with any probability of success. Who am,

May it please yor Lordsp, Yo^{r} Lordsp Most faithfull and most obedient servant, AL. ANDERSONE.

APPENDIX

6 *Sept.* 1698.

The whilk day anent ane petition given in by Alexander Fraser of Balnean, Thomas Fraser sone to Deany, Ronald M'Donald of Auchadiach, James Fraser merchant in Beaulie, Mr. Leonard Robertsone of Straloch, Emilia Reoch servitrix to the Lady Lovat, Jannet Fraser daughter to Dumballoch, Christian M'Lean servitrix to the Lady Lovat, Mr. George Fraser sub-principall of the College of Aberdeen, Thomas Fraser of Gartobegs, John Fraser elder of Erochie, John Fraser of Knockoholian, Alexander Fraser younger of Erochie, Hugh Fraser of Dunagen, John Fraser of Miklegarth, James Fraser of Feullair, John Fraser sone to Culduthell, John Fraser brother to Teynakeill, Hugh Fraser eldest lawfull sone to Culinalzean, Mr. Hugh Fraser sone to Dumballoch, William Fraser of Killbockie, John Fraser Aberskeith, Hugh Fraser of Boleskine, Thomas Fraser in Shewglie, Simon Fraser brother to the Laird of Drummond, horsemen, Alexander M'Hemish miller, John Chisholme brother to Alexander Chisholme violer, John M'Donald brother to Auchadiach, Donald M'Condochie Dow sometyme in Dunbirkell, William M'William servant to Leonard Robertsone of Strathloch, Robert Spence miller at Auchingerren, John Monroe footman to Captain Simeon Fraser, Alexr. Forbes servant to him, Eugen M'Gregor *alias* —— pyper at Castledounie, Andrew M'Iver in Culbraynie, Peter Dow in Leadclune, William Oig there, Hugh Monro in Dingwal, footmen. Shewing that whereas they were cited as witnesses at the instance of his Majesties Advocat in the Criminal Process at his instance against Captain Simeon Fraser which falling at the time of the sitting of the Parliament when neither the Lords of Justiciarie nor his Majesties Advocat could attend the processes were continued until the sixth day of September instant soe that such of them as were cited to appear the twenty-seventh day of June ought to have allowance of expenses for eight dayes of comeing and two dayes of staying and eight dayes of going home. And they being oblidged to compear the twenty-two day of August to which the Dyet was continued ought to have allowance of other eight dayes for comeing back againe and were oblidged to stay here ever since in respect the dyet was continued from tyme to tyme until the sixth instant

and they ought to have allowance for eight days to goe back which is to them who were cited upon the first lybell being one and thirty persones will be fourty-nine days. And to such of them as were cited upon the second lybell to the twenty-two day of August last ought to have allowance for eight dayes comeing here from Inverness shyre and from that tyme untill the sixth instant which was the day of the doome they continued here which is fifteen dayes, and eight dayes to goe home will be in all thretty-one dayes. And therefore craving the saids Lords Commissioners of Justiciary would be pleased to order the payment of their expenses to Mr. Thomas Fraser wryter in Edinburgh their trustie as was usual in such cases. According to Justice and their Lordships Answer. *Sic subscribitur* Ro. Fraser.

Which being considered by the said Lords Justice Generall, Justice Clerk and Commissioners of Justiciary with the list of horse and footmen underwritten and declaratione made by Mr. Robert Fraser advocat, Thomas Fraser wryter in Edinr. and Alexander Fraser of Kinraries and declaring the witnesses horsemen above named who are and have been in use to journey on horseback on the lyke of this and other occasiones modifie sixteen shillings Scots to ilk ane of the above named horsemen for each day of thretty-three dayes and eight pence per diem for each footman for the said space of thretty-three days the horsemen being twenty-five and the footmen thirteen in number. And ordained Sir Patrick Hume his Majesties Solliciter to make payment to Mr. Thomas Fraser wryter in Edinburgh in their name and for their behoof of the same and recommended him to the Lords of his Majesties Theasury for his reimbursement.

Sic subscribitur Lothian, *I.P.D.*

Patrick Murray of Dollary and Master Duncan Robertsone wryter did testifie under their hands that John M'Lashan in Blair of Atholl, John Stewart sone to Bellachine, Alexander Stewart brother to Orrat, Alexr. Stewart sone to Vilabeg, Mr. Thomas Robertsone sone to Baron Reid, John Rattray in Edradour and Charles Robertsone in Port witnesses compeiring in the foresaid cause were all horsemen.

PAPERS RELATING TO THE MEARNS

INTRODUCTORY NOTE

In the history of his native county Sir William Fraser took a special interest, and a number of documents relating to the Mearns have been found in his repositories. Some of the older or more interesting of these are printed in the following pages.

PAPERS RELATING TO THE MEARNS

I

EXCERPTS FROM A MANUSCRIPT BY MR. JOHN NAPIER,[1] formerly tenant of Mains of Allardice, afterwards Merchant in Stonehaven, who died 6th February 1823, aged about 78 years. The Manuscript was made at the request of Sir Alexr. Keith of Ravelston, K.M., to whom it was transmitted after Mr. Napier's death by his executor, John Walker, farmer in Arrat, by whom these excerpts are written

Dunottar Castle[2]

The reservoir in the Castle was supplied from a well in the Brae to the westward by means of lead pipes, part of which remained until of late years when they were occasionally dug up by herds etc.

[1] He seems to have been a storehouse of local information, though either he or Mr. Walker is not always strictly accurate. Whether his original MS. still exists is not known. In the Airth Peerage case, before the Committee for Privileges in 1829, were produced the proceedings in the service of Mrs. Sarah Ann Barclay-Allardice as heir-portioner of William, last Earl of Airth and Menteith, from which it appears that at Millplough in the parish of Arbuthnott, on 10th November 1784, evidence was taken on commission, Mr. Patrick Forsyth, Sheriff-Substitute of Kincardine, being the commissioner, and James Napier, farmer at Mains of Allardice, the clerk.

[2] By charter dated 30th March 1346 David II. granted to William, Earl of Sutherland, and his spouse, Margaret Bruce, the king's sister, 'integram rupem nostram de Dunotir' with a licence to fortify the same.

On this charter Sir William Fraser observes (*The Sutherland Book*, vol. i. p. 32): 'This permission pointed to the erection of a new or a stone castle on the crag, for there is evidence of a fortification on it long before this date. It is referred to in the reign of King William the Lion. In 1297, according to Blind Harry, it was held by the English and attacked by Sir William Wallace, who burned it and the church which then also stood upon the rock. In 1336 King Edward III. gave special orders for its repair and a strong garrison to hold it, but shortly afterwards it was retaken by the Scots and demolished that it

Washing houses stood below Benholm lodge.[1]

Coal house was formed of a cave below the rock secured by an arch etc.

Lord Marishal's pleasure boat used to lye at the mouth of the cave.

The bay to the northward of the Castle and from which is the entrance to the cave is called Castlehaven.

Steersman's acre on the heugh head is still called by that name.

Tillwhilly is a rock opposite the Steersman's acre—so named it is said from the Laird of Tillwhilly[2] having stayed three nights on it in consequence of having had some connection with Earl Murray in the reign of Queen Mary.

In the rock called the Fiddle head was a concealment said to be only known to the Earl of Marishall. After the rebellion of 1715 John Young[3] the Sheriff of the County caused search be made by digging there and in the Reservoir or well for the family plate, but to no purpose as was alledged tho' Mr. Honeyman told J. N. that his wife on a visit at the Sheriff's residence at Fawside was once treated with strong beer out of a silver mug on which

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might be useless to the English. . . . It does not appear whether the Earl of Sutherland fortified the crag or built any part of the castle, the ruins of which still have a very picturesque appearance on that bold, rocky coast. That building is usually assigned to Sir William Keith, Marischal of Scotland.'

In some way which has not yet been explained satisfactorily, the Crag of Dunottar came into the hands of Sir William Lindsay of the Byres, who in 1392, with consent of his wife Christian Keith, excambed it with his father-in-law, Sir William Keith, Marischal of Scotland, for lands in Fife, including Ugtrethrestrother—now Crawford Priory.

The reprint of Slezer's *Theatrum Scotiae* (Edinburgh, 1874) contains two views of Dunottar Castle, of which only one appeared in the original edition of 1693. On the forfeiture of the 10th Earl Marischal in 1715 the Dunottar estate was acquired by the York Building Company. And according to Pennant, writing in 1771, 'This Castle was inhabited till the beginning of the present century, when an agent for the York Building Company reduced it to the present ruinous state by pulling down and selling many of the materials.'

[1] Generally known as Benholm's Lodging—having been for some time the residence of Keith of Benholm.

[2] Tillquhilly, on Deeside, long possessed by the Douglases.

[3] Sometimes designed John Young of Stank.

were the Marishal Arms, from which he conjectured that Young had got hold of the plate and thus the search was a sham one.

Five bells were placed in the Porter's lodge for the purpose of announcing the quality of persons calling.

On the west side of the road up to the Palace was a cave in a rock, wherein a lion was kept. The Countess being disturbed by his roaring in the night caused him to be killed ; after which a bear was put in his place which was so tamed as present his right or left paw on the Earl holding out his right or left hand, and as he generally roared on the appearance of the Earl the servants used to observe ' Our goodman himself is coming as Black beard is making his salutations.'

Altho' the Fiddle head is so high a rock that it is a trial of strength or dexterity for young people to throw a stone over it a man of the name of Lawrence in emptying earth from the top of it by a wheel barrow fell to the bottom along with the barrow without receiving any injury, and on searching his pockets found he had only broken his father's sneishen mill.

In the Tower was a vault hewn out of the solid rock cased or lined with lead and also with mahogany in which the Crown Sceptre and Sword were kept on a table covered with fine linen hung with tapestry. David Barclay along with several others accompanied from Fetteresso the Earl of Marishal with his visitors Earls Seaforth and Sutherland to see the Regalia when the governor of the Castle first opened two locks and the Earl of Marishal a third with a key taken from a bag hung from his neck by a silver tripet, on which the door of the Regalia room was opened and the Earls kneeled on cushions to view it ; after which the attendants got leave by sixes to go and do the same, when the door was locked and a salute fired from the Castle.

The smiddy, wright's shop and stables stood on the west side of the tower.

The buildings called Waterton's lodgings formerly the residence of servants and mechanics were given by the

Countess of Marishal as a summer residence to Mrs. Forbes of Waterton.[1]

In the middle of the Green stood the Pictish Tower. In 1785 J. N. observed a stone at the foot of it dated 1374. He observed other dates on stones in the ruins dated 1580, 1581, 1574, 1596, and one much defaced and partly broken appearing as 546 but which must have probably been 1546.

The old Church burial ground and garden are yet known. The account of its having been necessary for the family after building a place of strength on holy ground, to settle with the Pope is said to be well known.[2]

The place where Mons Meg (a large cannon) lay is still shewn ; also the service chambers the silver tower on the west and the vaults below the palace for meal girnals, the Palace, Brew house, Bake house, and ale cellars.

Ships in passing the Castle saluted by lowering their sails. The gunner having been drinking in a public house in Stonehaven when a vessel passed without giving the usual salutation was sent for by express, and having called out as soon as within hearing of the Castle to load the long Falcon and draw her into the long gallery, he on firing a single shot cut the main mast in two altho' by this time past the Garron Point—a distance which the writer of these excerpts reckons more than two miles. The gunner's son was (afterwards as supposed) Governor of the Castle ; [3]

[1] Waterton, on the Ythan, near Ellon.

[2] In constructing a new fortress the Marischal interfered with the parish church, dedicated to St. Ninian, which stood on the rock. For this sacrilege it is said he was excommunicated by the Bishop of St. Andrews—but obtained pardon from Pope Benedict XIII. by a Bull dated 13th July 1394, on condition that he built a new church at a convenient place. This new church was built on the bank of the Water of Carron and dedicated to St. Bride. The castle remained with the Keiths till the forfeiture of the 10th Earl Marischal in 1715.

[3] The known facts about the family are these. The Rev. John Gregory, minister of Drumoak, was the son of James Gregory, saddler in Aberdeen, to whom he was served heir 27th May 1623. By his wife Janet Anderson he had three sons: (1) Alexander, *ob.s.p.* ; (2) David of Kinardie, the father of the Savilian Professor at Oxford and thirty-one other children ; and (3) James, Professor of Mathematics at Edinburgh, whose son James, Professor of Physic at Aberdeen, was the father of John Gregory, Professor of Medicine at Edinburgh.

With these facts it is difficult to reconcile this statement, unless indeed the gunner was an ancestor of the saddler, which is possible.

from him is descended Dr. John Gregory of Edinburgh. The gunner had 3 sons, one bred a physician in Aberdeen, another a farmer, and a third went to France.

In the reign of King William a number of Highlanders summoned the Castle in name of King James. But the Earl answering that the Castle belonged neither to King William nor King James but to himself and at same time desiring the matches of the guns to be lighted the Highlanders ran off. A small gun from the tower was fired on their retreat but did no further harm than cutting a plough in pieces.

The Black hill was the place of execution. The site of the Gallows was shifted about 20 yards after the execution of Janet Cant (niece of Andrew Cant [1]) condemned for witchcraft, which was reckoned so great a crime that other criminals were not afterwards executed at the same spot. The hangman's house stood at the foot of the quarry brae and his land is now Forrest's acre.

While executions continued on the Black Hill (in view both of Dunottar Castle and Fetteresso) the Earl being often applied to by the Countess for pardon of the criminals changed the place of execution to what was afterwards called the Gallow hill a little east of where the house of Kirkhill [2] [now is]. The gallows stood long after 1715 and was at length stolen by a Robert Morton Cooper in Stonehaven, who having made it into water buckets, no person would on this being known, purchase buckets or any other vessels from him.

One dark evening the Laird of Drum in coming from the south to Dunottar Castle on seeing the lights (tho' mistaking the road) pushed his horse over the heugh into the Old haw, a pit on the south side of Castle. The horse was dashed to pieces but the rider sustained no injury except standing amongst water about an hour until he was got out. The coach house, ducks and geese house, dove cot etc. were near the burn of the Old haw.

'Tis not many years since the trenches used by Crom-

[1] The celebrated Covenanting minister of Aberdeen.

[2] Kirkhill, now known as Dunottar House.

well's Generals in taking the Castle were visible in the corn lands of Mains of Dunottar also the stone causeways where the peats were built. A clasp bridge began at the foot of the peat road and ran in by the side of the Fiddle head to the castle door—it could have been put up in an hour and taken down in half an hour.

David Barclay used to talk of the eleven baronies belonging to Earl Marishal. As far as J. N. recollects these were Uras Lumgair Dunottar Stonehaven and Mill thereof Glenton Acquhirie—the jointure lands, Fetteresso Cowton Ury Muchalls with Elsick Birs and Strachan also Garvock and others.

Fetteresso [1] house was built at the request of the Countess as she did not like to stay a night in the Castle. The reason for the Countess disliking the Castle probably was that, in the Old haw, seals by frequenting that bay are generally shewing their heads and that as a woman in Crawton was delivered of a child whose head resembled that of a seal.

Mill of Forrest was reckoned part of the Cowton lands.

Once when the Earl was hunting with D. Barclay in company he on exhausting his firegun colfin [2] drew out a commission from Charles the 2nd for raising the Mearns Militia which on getting some colfin from David threw at him. Another time hunting with General Jas Keith [3] he got a present of a powder horn finely carved. Both the commission and powder horn fell into the hands of J. N. (who married a descendant of D. B.) and were by him presented to Lord Keith.

A hawk let off at a heron when the Earl was hunting on the farm of Upper Tewel was so besmeared with the excrement of the heron in attempting to catch him that next day on being let off on a heron he would not make another attempt.

The Earls of Marishal and Seaforth having once let off

[1] Fetteresso, which had been burned during the Civil War, was rebuilt by George, 8th Earl Marischal, after the Restoration.

[2] Colfin or calfin, the wadding of a gun.

[3] Marshal Keith, killed at the battle of Hochkirchen in 1758.

their hawks on the top of a hill in Inverness-shire, they in the first place attacked each other and after fighting for some time set off about 12 o'clock—reached Dunottar Castle about 7—hovered thereabout for some days and at length settled in Fowls heugh where they have since bred. They were originally presented to the Earls by a Danish nobleman—are a large kind of gose hawk and their young were much in request about 50 years ago in London.

Benholm had at one time consisted of Benholm Brotherton and Johnshaven. About the end of the 16th century the Earl of M. bought the lands of Brotherton from his brother the laird of Benholm, when the Earl built the house of Brotherton.

In the course of building the house he raised a fishing station at Johnshaven by bringing 12 boats crews from Peterhead etc. and occasionally lived in Johnshaven. The Earl and Sir Al. Stratton of Lauriston made a wager whether one of the fishing boats under sails and oars would draw ten of Sir Alex$^{r's}$ oxen into the sea. On trial the boat had the advantage until a bystander gave the goadman a curse exclaiming 'Broad Brockie' when on this being done the ox *skailed* and so frightened the rest that they immediately drew the boat out of the sea and did not stop till they carried the keel and sternpost to the green of Lauriston, the fishermen having first tumbled out one by one and next the boat gone to pieces. 'Broad (or brad) Brockie' is a phrase well understood in the country to this day.

The fishers of Gourdon and Johnshaven have a peculiar sort of dialect occasioned by some boats crews having been at one period brought from Yorkshire by Viscount Arbuthnot and the Earl: Horse they pronounce Ors; head, ide; Hand—and; hole, ole; ox, hox; Hen, En; cat, at; and so forth.

The present proprietor of Brotherton is descended from a Montrose butcher named Scott who made money by leases of salmon fishing. The proprietor for the time having been at Dinner at the house of Sir Al. Bannerman

of Elsick thought fit to use some of his taunts and jibs towards a Mr. Mitchell minister of Dunottar one of the company; when at length Mr. M. asked Sir Alex[r] what gentleman this was who jeered him so much. On being told, the minister replied 'Well did I know his father as jolly a man as ever put a whittle in an ox craig. All the time my aunt kept the public house in Montrose she bought her beef from him and when she expected a large company she got a present of a haggis.' —After this remark Mr. M. was no more troubled with the laird's taunts. Mr. M. was settled minister of Dunottar about 1710 and died 1734.

A vessel having been wrecked near Brotherton the laird proceeded to take charge of the wreck; but the Earl Marishal interfered at same time abusing him for a mean low creature and so forth and telling him that he would not allow him to meddle with his prerogatives. The Earl with five others made their appearance on horseback. Brotherton took off his hat and kept it under his arm while the Earl spoke to him roughly and the bystanders were afraid the Earl would apply his whip to the Laird.

The Keiths' arms were cut in stone on the tower of Benholm and perhaps still remain.

William 4th Earl of Marishall owing to certain political and family disputes with his relative Douglas of Glenbervie was first challenged by Douglas who came to Fetteresso for that purpose, and not choosing to meet him observing that he pitied such a madman. Douglas afterwards returned with about 20 attendants, repeated the challenge and in order to provoke the Earl cut down the fruit trees in the garden and used every other insult. But as matters with the Queen and Murray then ran high the Earl was advised to reside in the Castle for some time.[1] The principal point of the quarrel was thought to be the

[1] From this he was locally known as William of the Tower. Not merely did he avoid political troubles, but by his economical mode of life he is said to have greatly increased the wealth of the family.

aversion the Earl had to a proposed marriage of his son with a daughter of Douglas which was broken off all at once after there was no doubt of its taking place and some light words that came to Glenbervie's ear.

Beatrice Keith 5th daughter to William in the Tower was married to John Allardice of Allardice [1] with whom he got the lands of Powburn which he sold and purchased Pitcarrie.

In the Civil Wars the laird of Allardice engaged with the Covenanters. But having deserted and joined the Royal Army with his servant named Martin, the servant returned to the Covenanters; on which Ja^s^ Stewart of Ardvolich put on the servant's cloathes and going into the Royal Army stabbed Allardice and returned in safety. The servant returning to the country was fallen upon by the country people on the top of an eminence or knap on the estate of Allardice called Tilly Martin,—probably bearing its name from that of the servant.

Lady Mary Graham daughter to Lord Kinpont [2] and sister to the Earl of Menteith died in the house of Allardice aged 113. She was 29 years old when she was married.[3] She sate 7 hours in the marriage seat in the Kirk of Dunottar and got bread and wine 3 times before Allardice came. When Allardice was coming into the Church Lord Marishall clapped him on the shoulder and asked him how he had staid so long. He said he was waiting his Uncle. A day or two after the marriage Allardice's creditors came and took possession of the house mill and lands of Allardice, when Allardice and Lady Mary fell a crying and for sundry days wept sore. Lady Mary then said 'This will not do Allardice to sit and weep together. I will yet go and see what my friend Lord Marishall will do for me.' She then

[1] She died 19th May 1596.

[2] Lord Kinpont, eldest son of the Earl of Airth and Menteith, was married to Lady Mary Keith, eldest daughter of William, 6th Earl Marischal. He was murdered by James Stuart of Ardvoirlich in 1644.

[3] Her marriage contract with John Allardice of Allardice is dated at Fetteresso, 26th September 1662.

set off to Dunottar, staying 3 days. Allardice was up at the Barns looking for her, when she perceived she waved her handkerchief bidding him to take courage and pointed to her lap. Next day Lord Marishall came to Allardice and stayed a night. A messenger was sent to the creditors the following day and some of the largest creditors having been merchants and appothecaries in Montrose who expected to get a bargain of the lands of Allardice Lady Mary told them there should not be a pottinger laird of Allardice while there were Piggars at Kinnaird.

After Lady Mary had visited all the farmers houses she observed the tenant's house of the Mill and Mill farm to be the fullest and in particular got a present of a linen web from the goodwife. This occasioned her to resolve with the laird to take the possession into their own management which was accordingly done. Lady Mary was a great meal dealer. Her daughter Elizabeth Keith, after mentioned was her multurer. A considerable trade was carried on in outsucken for which the 25th boll was received. Elizabeth Keith and the miller Al. Steel having been tried at Aberdeen for embezzlement (or perhaps rather over exaction) of multures, it is said Lady Mary had influence with Lord Forglen [1] one of the judges, and on the Sheriff having been found fault with he was obliged to take Elizabeth Keith on his own horse and set her down at her own door. E. Keith lived to about 100 and her daughter Marg^{t} Milne also to a great age.

Lady Mary's eldest son John Allardice having married a woman of the name of Barclay,[2] she was so much offended as to leave Allardice before the marriage and not return until the death of her son which happened only six weeks after the marriage, when she took possession for her 2nd

[1] Sir Alexander Ogilvy of Forglen, a Lord of Session 1706-1727, married her daughter Mary Allardice in 1683.

[2] John Allardice married Elizabeth Barclay, daughter of William Barclay of Balmakewan, and died in December 1690. By their marriage contract, dated 17th October 1690, she was entitled to a liferent provision of 10 chalder of victual. But this became void under Scots law in respect that the marriage was dissolved within a year and a day without a living child having been got. The widow subsequently married Wood of Drumnagair.

son George [1] who married Lady Ann Ogilvie daughter to the Earl of Findlater. When Lady Ann arrived both Lady Mary and she shed tears the one for joy the other at the mean appearance of the house. Lady Ann was a maiden after she had 17 nights with Allardice. After she lost her maidenhead she wept sore. This anecdote from a Robt Webster whose grandmother was servant in the house of Allardice who hearkened them in a room she slept in adjoining to theirs.

Lady Mary in speaking of her son John's marriage said he was always a soft silly creature and these puddock stools had imposed on him. But thanks to God the B——h had not bairns or we would not so easily get quit of her.

Laird George by the interest of Earl Findlater got himself appointed officer of the Mint. He kept a smiddy in a vault in the house of Allardice. J. N. has seen his hearth with several crucibles on it, his forge or fireplace, his bellows which hung from the top, the pipe turning or bending to the fire, and some small pipes could be conveyed to the place where the crucibles were fixed. The bellows were wrought by the foot after the manner of a spinning wheel.

Jas Allardice the late laird's father in a dispute with Sir D. Ogilvy [2] at a County Meeting at Stonehaven fought with Sir David who disarmed him, pinned him down and besmeared his light coloured cloathes with gutter and onions, the conflict having taken place in a garden on a rainy day. After which he went home and never returned to Stonehaven.

[1] George Allardice, born 1672, married Lady Ann Ogilvy, and died in 1709. Their son James, born 1693, married, 1720, Mary, daughter of Robert Milne of Balwyllie, and died in 1728. Their son James Allardice, born 1727, married, March 1756, Ann Barclay. He died July 1765, leaving an only child, Sarah Ann Allardice, born 1757. She married Robert Barclay of Urie, was divorced in 1793 and married, secondly, John Nudd, and died in 1833. On 20th February 1785 she was served heir to William Graham, Earl of Menteith and Airth. Her son Robert Barclay-Allardice of Ury and Allardice, the celebrated athlete, born 1779, died 1854, claimed the earldom of Airth in 1839.

[2] Sir David Ogilvy of Barras, 3rd Baronet, succeeded his father 1706 and died 1737.

This Laird married Mary Milne the only daughter of Mr. Milne of Balwyllo in expectation of getting the estate; but her mother dying her father married a 2nd wife who had a son Mr. Milne of Bonnington.

J. N. has been shown the pictures in the house of Allardice. Those he recollects of are Lady Mary Graham, Lady Ann Ogilvie, Mary Milne of Balwyllo, Chancellor Ogilvie, Lord Menteith, Laird George, the Earl of Haddington, Tom in the Cowgate, William in the Tower, Laird James and some others—the laird of Arbuthnot with his fair hair.

Sir David Ogilvy was a great swordsman, yet in attempting to chastise a fish cadger from Badenoch who was trespassing with his horse in passing Barras, he found himself worsted by the Cadger. On which he invited the Cadger to dine with him not only that day but alwise when he should have occasion to pass that way. The weapons used at this conflict were staves. But afterwards when the cadger came to Barras he and the knight fell to sword exercise.

Sir David Ogilvy in some dispute with the Laird of Ury drew his sword and said he would make him eat his own words which Ury did trembling at the term.

Lady Mary Graham with a sister at the time the family of Menteith were much reduced lived with Earl Marishall who got Lady Mary[1] with child. He gave the lands of Davo for the support of the child Elizabeth Keith before mentioned.

J. N.'s narrative mentions a dispute which arose about Marches between Arbuthnot and Allardice in Lady Mary G.'s time and how it was settled by arbitration but which seems of little importance to any others than the proprietors of these lands.

In the time of Montrose's Burning[2] the laird of Allardice having been on a visit to Benholm where he staid a night, his tenant John Fettes of Mains of Allardice came next

[1] He was her first-cousin.
[2] In 1645.

day to apprise him of the burning being commenced at Millplough.[1] It seems that by the orders given it was not intended to proceed further north with the burnings than to the Water of Bervie, but a fellow having a few weeks before broken a cart (the first ever seen at Allardice) while in the laird's employ and got some chastisement for his carelessness, he had joined Montrose's army and from revenge not only set fire to the houses on the property, but also on seeing the laird approach his house (tho' strongly entreated by Fettes to return to Benholm on meeting him by the way) shot him while on horseback. And tho' some of the tenants on seeing him fall came to his assistance and conveyed him to Benholm he died soon after.

On the complaint however of Mr. Keith of Benholm the Earl of Montrose tried Ronald the perpetrator of the deed by a Court Marischall and made him be hanged on the head of the Gallow hill of Allardice.

A second son of the house of Allardice [who] held a wadset of Clashendrum part of the lands of Allardice was married to Marjory Arbuthnott daughter to the laird of Little Fiddes.

In the time of Montrose's Burning going to dine with his father in law at Little Fiddes both he and his servant were shot on the head of Bruxie hill, where there are two cairns one called Allardice's cairn the other Barrie's cairn.

The wadsetter left a son in the cradle which son left a numerous issue [by] his wife daughter of Rait of Halgreen. By the influence of the families of Allardice and Arbuthnot they occupied several of the best farms in Mearns and Angus.

[The] Laird of Allardice who was defeated by Sir D. Ogilvy died about 1738. He got the nickname of Thumbs from having very large thumbs. It seems Allardice was much disappointed in not getting Balwyllie (beforementioned) and often treated his lady with neglect. When putting a piece of beef in the pot he would have told her he wanted

[1] A farm on Allardice marching with Arbuthnott.

no such boils as these Burgher bits she had been used with (The Milnes were originally merchants in Montrose).

After the death of Allardice Mary Milne married Sir Wm Nicolson of Glenbervie to whom she bore a son and daughter both now dead.

Sir Wm Nicolson after the death of his spouse the late dowager of Allardice seeing that in all appearance his son (by another wife) Sir Ja^s^ would have no children, married a very young lady daughter of Mr. Milne sometime laird of Dysart and by her (tho' he was then considerably above 80 years of age) had 5 or 6 children, one of them was a son who died young.[1] The 2nd daughter is now Lady of Glenbervie who has been thrice married without having children.[2] Another daughter is married to Mr. Wilson minister of Farnell Forfar-shire who has some daughters and a son apparent heir of Glenbervie.

It has been remarked that for a long time the Proprietors of Glenbervie have failed to have male heirs of their own body. The first by traddition is Oliphant who left 3 daughters (his nephew got the large estate in Perthshire); his eldest daughter got the lands of Arbuthnot. His second daughter married Melvil [3] and got the lands of Glenbervie.

[1] *Edinburgh Courant*, 3rd May 1766: 'Wednesday last the lady of Sir William Nicolson of Glenbervy was safely delivered of a daughter. What is very singular, Sir William is at present ninety-two years of age and has a daughter alive of his first marriage aged sixty-six. He married his present lady when he was eighty-two, by whom he has now had six children.' Sir William died 6th June 1766, in the ninety-third year of his age.

[2] She succeeded her brother Sir James in 1782. Her third marriage was in April 1803.

[3] Like some other families the Melvilles profess descent from Hungarian retainers of Margaret, the queen of Malcolm III. Three brothers, so the story goes, found their way to Scotland. 'The eldest brother vas Lord Maluill of that ilk. The scund brother gat the landis and leving of Raith. The thryd brother gat the landis of Glenbarve in the Mernis, out of the quhilk is cum the hovs of Dysert in Angus and the Maluils thereof' (*The Melvilles*, by Sir William Fraser, i. 24). But apart from this legend the name is found in the Mearns from the middle of the twelfth century, and the Melvilles probably acquired Glenbervie about that time and continued to possess it for several generations. On 6th April 1365-6 David II. confirmed a charter of Legwyn and other lands granted in her widowhood by Cristiana de Mala Villa domina de Glenbervy to John de Mala Villa consanguineo suo, whom failing to Alexander his brother,

The 3rd daughter married Sir John Graham and got the lands of Garvock. It has been said he was laird of Fiddes and married the eldest daughter and got the Estate of Arbuthnott.

Melvil of Glenbervie was Sheriff of the Mearns about 1400. He was so oppressive that the county gentlemen complained of him to the King who having said, apparently without reckoning his words would be taken seriously, they might boil him and drink the *broe,* they invited him to a hunting party where a cauldron was prepared in a situation appearing to the Sheriff on observing the smoke to be the haunt of thieves and coming along with him plunged him in and tasted the *broe.* Letters of fire and sword were issued against the authors who were much distressed until a general pardon was obtained. The laird of Arbuthnott as being within the ninth degree of Macduff Earl of Fife[1] had obtained his pardon before the others.

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from which it would seem that she was an heiress and probably married to a cousin. Little seems to be known about John Melville the 'Sheriff,' apart from his unpleasant fate. From the dates his successor was probably Alexander Melville who left two daughters: Elizabeth, married to Sir John Auchinleck of that ilk, and Egidia, married to his younger brother James.

[1] According to tradition, any one who killed a man, if he were within nine degrees of kindred to Macduff who restored Malcolm III. to the Scottish throne, had this privilege—he was entitled to betake himself to Macduffs Cross near Newburgh in Fife and there claim that on payment of a certain penalty he should be free from all other punishment. See Wyntoun, Book vi. cap. 19. There is, however, so much mystery about this whole matter that the following passage from the *Family History* written by Principal Arbuthnott about 1580, is of interest:—'Also yir Confederattis willing to arme yaim selffis nocht onlie be force but be law also, seing Hew and mony of yaim war sib to Makduff Earll of Fyffe the trustie freind of King Malcolme Canmor thai tak yaim to ye privilege of ye Clane of Makduff quhilk was on yis maner that all yai of ye Clane of Makduff suld haif no judge in ony actioun except treasonne but ye Earll of Fyff allanerlie ye cheife of yat clane and y^{t} it suld be leisume to yaim of y^{t} kynd to appeill ay home to yair anin clane. So ye confederattis findis caution to ye S^{r}eff off Fyff ye protector of yis privileige to ans^{r} as law wald and yairfor eschaip all wyer trubill of law, be yat privilege. Thai quho injoyed yis privilege (for I will schortlie twitche yis monument of antiquitie) fand cautioun to pñt yaim selffis to judgement for yir thrie headis—first yai promisit to preif yat yai war off ye clane of Makduff and yair for aucht to haif ye former privilege. Next yat yai hef done no odius cryme quhy yai suld be excludit from y^{t} privileage. Thridlie quhatsumevir conforme to ye Law ye cheif of ye clane sall injoyne yai sall obey it. I haif collected yeis yingis out of ye lr̃es of yat

The kettle or cauldron is thought to still remain in the

privileage granted to Hew and his associattis in yat slauchter qlk (as ane ald monument) ar keipit in ye cofferis of Arbuthnot.' Unfortunately the document is no longer to be found in the 'cofferis of Arbuthnot.' But it was extant in the time of Sir George Mackenzie, who says (*Genealogical Collections*, Adv. Bib. MSS., 34.6.8) :—'In anno 1421 Hugh Arbuthnet with the rest of the gentlemen in the Mearnes who had been accessory to the slaughter of John the Melvin off Glenbervie were receased to the Lacht or girth of Clan M'Duff as being within the 9th degree of kin to M'Duff Earle of Fyffe by Johnston Stewart of Fyffe, as a testificat under his hand, quhairunto his seall is appended, of the date at Falkland the first day of September 1421, which I have sein, beareth.' And according to the minister of Garvock, writing in 1835 (*New Statistical Account*, xi. p. 35), 'The pardon is still extant in Arbuthnott House.'

A copie of the testificat itself is preserved in another MS. volume in the Advocates' Library (31.6.15) which belonged to Sir John Lauder, Lord Fountainhall. The transcriber, it will be seen, has added within brackets certain observations of his own. Though printed by Mr. Maidment, it has been thought well to give it here :—

'A True copie of the Letter of Remission granted to Hugh Arbuthnot * of that ilk anent the slaughter of Johne Malavill of Glenbervy.

'Tyll all men thir present letteres to comes J. Johnston, Stuart of Fyfe sends Greiting in God, witt ze, wee have resavit Hugh Arbuthnot, George Barclay [thought to be of Mathers], Alex^r ffalconer [of Halcartone or Balandrow], William þe Grœm or Graham [quhich seemes to be Morphie longe before þe race of this present generatione who succeeded by marrieing the heretrix Grœm or Graham of Morphy], Gilbert Midleton [this same Earle John's predecessor who wer Lairds of Kilhill and Midleton, sold by them afterwards to Halcarton ffalconar in this shyre of Kincardyn], Patrick Barclay [which seemes to have been Bomikelly or Kirktounhill quhich wes a Cadett of Mathers and Mathers of þe Lord Brechine], Alex^r of Graham [seemes to have been ane sonne of Morphie's and hath possest Camistoun], to the lawes of Clane Mackduff for the deid of quhillome Johne the Malaville Laird of Glenbervy and certane and sicker burrowise, that is to say David Barclay of Collarnis [in Fyfe], the first broych that they ought of þe lawes, David the Barclay of Leuchry, the second broych that they ought to have the lawes [this Leuchrie possiblie may be Leuchars in Fyfe now belongeing to Southesk], Robert of Barclay of Towch or Towy, the 3^d burghe that they shall fulfill the lawes as þe law will. Quairfoir to all and sundrie that it effeires, firmly wee forbid on the King's halfe of Scotland and our Lord Mackduff, Duke of Albany, Earle of Fyfe and Monteith, and Governor of Scotland, that the said lawes hes in keeping that no man take on hand to doe, molest, greive or wrange the foirsaid persons in their bodies or in þair geire becaus of þe deid of þe said Johne of Malvine and the payne that after lyes and forfaulting of the lawes foirsaid and this present Letter. In witnes of the whilk this our seale to this present hes to put. Att Falkland the first of September, þe yeir of God 1421 yeirs.'

* Note on margin of MS. :—'Some designe him Hugo Blondus ; but he is much older than thir times.'

pit dug for holding it, it being recollected that in letting fall a stone the sound was similar to what is occasioned by striking a large kettle with a piece of wood.

The Melvil left an only daughter who married the 2nd son of the family of Auchinleck of Auchinleck in Ayrshire.[1] According to tradition the only son of a poor woman on being put into his grave (sup^{d} in Glenbervie Churchyard) was heard to cry and having been taken from the coffin and the circumstances being mentioned to the Laird whose residence was near at hand, he in consequence of an idea which then prevailed that he would have lost his land by the recovery of the person slew him with the spade he had for that purpose snatched from the hand of the Grave digger and then tossed him into the grave and covered him with mould himself. The mother of the person used her utmost entreaties with the Laird to desist from his purpose—but in vain.

Tradition further states that the woman having gone to the gate of Glenbervie prayed on her bare knees that no laird of Glenbervie might ever have a son to succeed him in the property, and that the perpetrator of the above deed might never rot neither above nor below ground. And it is even said that about 80 years ago, the Grave digger discovered a body in the family burial ground as fresh as if newly buried. And it is well known that the lairds of Glenbervie have as yet failed to have heirs male of their own bodies to succeed them.

Sir Wm Nicolson purchased the property of Glenbervie from two heiresses who were married, the one to a Mr.

[1] Sir John and Elizabeth had a son James, who in 1480 married Egidia Ross of Hawkhead, and had by her a daughter Elizabeth. She was married to William Douglas, second son of Archibald, 5th Earl of Angus—Bell the Cat—who with her acquired Glenbervie *circa* 1500. Their grandson William Douglas became 9th Earl of Angus in 1588, and Glenbervie passed to his younger son Robert, with whose descendants it remained till 1673, when it was sold to Robert Burnett, brother of Sir Alexander Burnett of Leys. His son Thomas married Agnes, daughter of Robert Burnett of Cowtown, and died 1712 leaving a son Thomas who died soon after his father, and a daughter Katharine who married George Gordon of Buckie. By this Katharine Burnett Glenbervie was in 1723 sold to Sir William Nicolson, who married, as his second wife, her mother Agnes Burnett.

Burnett, a branch of the house of Leys and the other a Mr. Gordon of Buckie.

Sir Al. Falconer of Glenfarquhar [1] one of the most worthy of men used when speaking of Earl of Marischall to call him his good and great brother, and on the other hand Earl Marischall called Sir Alexander his good and worthy cousin.

Glenfarquhar used to vie with others in having good ale which he called his Glenfarquhar wine and in general treated his friends with it except that when Earl Marishal visited he would have said to his lady 'Indeed my dear hinny I must go to France this day,' and he generally met the Earl in his chariot at the water of Bervie. It seems Sir Alexander's lady was rather jealous of him and on one occasion when in their carriage on the way to Glenbervie a well favoured widow who occupied a small pendicle from the knight and wished some assistance of horse work to labour it, accosted him by saying in the customary way of the country on such occasions 'Sir Alexander I mun hae a yocking from you the morn. Troth Sir Alex[r] I 'm nae jocking I am in a strait for a yocking.' The lady on this occasion having understood the request quite in a different light from the true one matters came to such a length twixt the knight and her that when near Glenbervie the carriage returned to Glenfarquhar and a separation was likely to take place until Earl Marishal when in company with them so managed matters in explaining the trouble he had in giving yokings to poor widows who held pendicles under him that her ladyship

[1] David Falconer, second son of Sir Alexander Falconer of Halkerton, acquired Glenfarquhar in 1630. His eldest son Alexander was created a baronet on 30th March 1670. His second son David Falconer of Newton became Lord President of the Court of Session.

Sir Alexander married as his second wife Helen Graham, daughter of John Graham of Criggie, second son of Sir Robert Graham of Morphie. She was a keen Jacobite. Her will is printed, *post*, p. 163. Built into the farm steading at Mains of Glenfarquhar is a stone wall with the inscription 'S.A.F. 1674. D.H.G.' (Jervise, *Epitaphs*, i. 358). On 3rd May 1718 David Falconer of Newton, afterwards 4th Lord Falconer of Halkerton, was served heir-male to Sir Alexander Falconer of Glenfarquhar, his uncle, who died without male issue.

rested satisfied the widow who accosted the knight meant nothing bad.

On another occasion her ladyship who was rather of an overbearing disposition and alwise giving trouble to the knight happened to notice the following words chalked on the coach house door.

'Souple Sandy Falconer and dirten Helen Grahame
God bless the good man and Deil confound the Dame.'

On this she blamed Sir Alexander for keeping people about his hand who would do such tricks. In reply Sir Al. observed—Eh my dear 'tis just the flock of cairds in revenge for scolding them the other day and being set off without a drink. It soon was discovered that Jockie the herd had written the lines; and tho' the Laird found it necessary to set him off from Glenfarquhar he was rather pleased to see some appearance of a poetical turn in the boy and allowed his parents the expense of giving him education after which he became a schoolmaster.

When country people at times applied to Glenfarquhar to be umpire or give them advice in disputes he uniformly dissuaded them from going to law, observing the lawyers would soon eat them and the matter in dispute too and always adding, what afterwards became a sort of byeword 'Quietness is best.' I would advise you both to take Lord Forglens Interlocutor 'Take a pint an gree.'

The great market called Paldy fair [1] was first instituted by Sir Alexander. Previous to this another market stood in the lands of Dillavaird on the opposite side of the water of Bervie, and as Sir Alexander was anxious that the preference should be given to his market he on one occasion invited Earl Marishal and about 40 noblemen and

[1] There is much controversy as to the identity of the saint from whom this fair derives its name. According to some he was Palladius, an ecclesiastic whom Pope Celestine sent on a mission to the Irish who declined to receive him, and who is one of the personalities who are combined in the traditional St. Patrick. According to the Rev. Archibald Black Scott (*The Pictish Nation*, etc.), his name was Paldoc or Paldy. He was a Pict, and one of St. Ninian's early followers; and from living to a great age is sometimes known as Pawl Hên—*i.e.* Paul the aged. He founded a church at Fordoun and is buried there. As to Paldy Fair, *vide post*, pp. 114 *et seq.*

gentlemen to dine in a tent prepared in the market. After which Glenfarquhar people went with colours flying and drums beating to the water of Bervie when the people from the other market cut the drums.

On this Glenfarquhar's men were about to proceed to take revenge until he made use of his customary saying 'Quietness is best.' However a law plea took place on the occasion of this fray and some disputed links of ground adjoining to the River which in the end occasioned the proprietor of Dillavaird to sell his property and which Sir Alexander purchased.

Sir Alexander intrusted his Butler to always give dinner and drink to any person having occasion to call at Glenfarquhar from his own lands and expressed his happiness on seeing them going away tipsy and apparently merry.

When his tenants paid their rents they were always asked without distinction to dine with Glenfarquhar. After dinner he presented them with fruit and sweetmeats so as they might take a part home to their wives and children and on drinking a few glasses with them and giving a sort of blessing and good advice left them to make merry in their own homely way.

When any tenant could not hold a large farm Sir Alexander gave him a less and if he could not hold it he gave one still less and if he could not hold it he got a house and yard in the Muir of Auchinblae with 6 bolls of meal 6 firlots of malt and a cow grazed in the parks of Glenfarquhar. His usual saying on such occasions was 'God forbid that any old tenant of mine shall be brought to beg his bread or suffer thirst.'

At any time it became necessary to roup a tenant's stocking he instructed his ground officer not to enter the house and to be sure to leave a stocking to buy a cow etc.

Sir Alexander not having heirs of his own body was much grieved to know that his Estate would in consequence of an Entail made by his father go to the Halkerton family. Had there been no entail it is reckoned he would have left part of his property to Earl Marishal and part to Robt Vis: of Arbuthnott. He lies buried at Kirk

of Forden and on his Tomb is written (perhaps subsequently to the first inscription) ' Here lies Glennie at his rest until the day of Judgement. Quietness is best.'

Glenfarquhar would not let any of his lands but to Farmers or farmers sons. On one occasion a person from Dee Side called at Glenfarquhar with a view of taking a farm, but having had a hat which at that time was a thing unusual for a farmer to have, he on his lady asking why he had not invited the person to stay dinner, told her he would have nothing to do with any but farmers or farmers sons adding ' Let Soutters be soutter like no hat tenants for me.' He died about 1727 or 1728.

Arbuthnot of Fordon descended of the family of Arbuthnott.[1] It is said that Falconer Lord Phesdo's daughter who married the Laird of Fordon was authoress of the song called The yellow haired Laddie.[2] She was mother to John Viscount of Arbuthnott who succeeded about 1756 and it is believed that the family for the most part have still fair hair.

The first vestige of Drumtoughty house was built by Keith Laird of Craig and Garvock as a hunting seat.

The lands of Middleton or Fettercairn belonged to Colonel Middleton a man of fierce appearance, so much so that on occasion of a band of Cairds or tinkers giving much annoyance in the Country he armed himself and set off to their rendezvous in tippling houses accompanied by his servant when all of them 16 in number, altho' partly armed with pistols, submitted to let their hands be tied behind their backs and conducted to Stonehaven jail. He had begot a child on a daughter of Lindsay of Edzell [3] which occasioned her Brother who was in Germany

[1] John Arbuthnott, eldest son of the second marriage of the 2nd Viscount of Arbuthnott, bought Fordoun from his elder brother. He married Margaret, daughter of Sir James Falconer of Phesdo, a Lord of Session. Their son John succeeded as 6th Viscount.

[2] Printed by Allan Ramsay in *The Tea Table Miscellany*.

[3] This would seem to explain a somewhat cryptic passage in *The Lives of the Lindsays*, vol. ii. p. 262.

to be sent for to challenge the Collonel, but this he declined on seeing him.

J. N. has seen a son of one of his sisters a schoolmaster a very fierce looking grim fellow.

Ramsay of Balmain

A respectable family. J. N. has seen Sir Al. Ramsay of Balmain walking on the green of Arbuthnot with the Viscount in 1765 a graceful looking gent^{m}. He was preses of the Scotch Freeholders who met at Ed^{n} that year relative to a proposed alteration in the election of members of Parl^{t}. He was elected member for Kincardineshire after the death of Sir J. Carnegie of Pittarrow. The last laird of Allardice had not conformed to Government until the day of the election, he was taken ill before leaving the Court, rode home without being able to stay dinner and died about a month afterwards.

Sir Alexander[1] was succeeded by his nephew Sir Al. Burnett who took the name of Ramsay and who was father to the present Sir Al. Ramsay who supports the dignity and family of his ancestors.

The Halkerton Family of the Falconers

By tradition in the time of William the Lion who dwelt some time at the Castle of Kinneff his Fowler was laird of Lumgair and his son having married the heiress of Luther and succeeded by her to the lands on Luther side —the lands were called Halkerton in like manner as his ancestors from holding a similar office were called Falconer.

One of the family having been appointed a Lord of Session was so partial that the Country Gentlemen com-

[1] Sir Alexander Ramsay, 6th Baronet, died 1806, when the title destined to heirs-male whomsoever was assumed by a distant cousin. He was succeeded in his estates by Alexander Burnett, the second son of his sister Catherine by Sir Thomas Burnett of Leys. This Alexander Burnett assumed the name of Ramsay and was created a baronet on 13th May 1806. He died in 1810, leaving with other issue Edward Bannerman Ramsay—the well-known Dean of Edinburgh.

plained of him to Government and having been ordered to attend the Privy Council to answer the charges brought against him he died at York on his way to London. The story of ' Halkerton's Cow ' is proverbial in the Country when people observe that any representation is directly contrary to the truth.

It seems that according to the story a Poor man having had some cattle grazing in a field adjoining to a Park in which his Lordship's cows pastured one of the poor man's oxen leaped the fence and killed a cow. A boy on seeing what had occurred ran to tell the poor man what had happened but in giving the account had by some inaccuracy made the man believe that the reverse was the case. In consequence of which the man went and informed his Lordship that one of his Lordship's cows had killed one of his oxen. On this his Lordship decided the matter to be accidental and that the poor man behoved to sustain the loss. But on being afterwards told how the matter exactly stood he then decided against the poor man by finding out a distinction between cattle getting into and out of an enclosure and so subjecting him in the full value of the cow and expenses.

By tradition either the Proprietor of Halkerton or the Tenants of Mains of Halkerton have had a taint of insanity since the heir of Halkerton killed the Miller's son in a scuffle, when as an expedient to free the Heir of punishment, it was proved chiefly by the evidence of the tenant of the Mains who perjured himself, that the heir was insane.

Lord Alex^{r} Falconer of Halkerton and the late Laird of Allardice made the tour of Europe together. J. N. saw them set off for Aberdeen in 1751 in a coach drawn by 6 black mares to take ship there. They returned about 1754.

Lord Alex^{r} was succeeded by his brother Lord William who paid Alexander's debts tho' the estate was entailed and no legal claim consequently [lay] against him. J. N. saw Anthony Earl of Kintore Lord Halkerton and the late and present Lord—in all 6. Lord Alexander is said

to have left Inglesmaldie [1] one winter and to have resided at Ed[n] owing to the Peats having from the wetness of the season been unfit for fuel. (It would not surely have required much art to make a kiln capable of drying them.)

Arbuthnott of Arbuthnott

There are sundry tradditions respecting the rise of this Family.[2] One is that a certain Chieftain having affronted the Queen, her Majesty could not get any person of note to challenge him until a Danish Lord undertook to do so; and having slain him was rewarded by the King on the application of the Queen according to a song made on the occasion with 'Bonnie Arbuttle lying low down by the sea.' [3] A lady of Arbuthnott on hearing the song from an old woman was heard to exclaim 'Pox on the Queen she did not ask twice as much.'

Another tradition is that the Arbuthnot family were at first proprietors of Fiddes and succeeded to Arbuthnot by marrying the eldest daughter of a person of great renown named Oliphant (see another part of this narrative) who had great Estates in Fife Perth and Mearn shires who left the Arbuthnott property to the eldest daughter, the lands of Glenbervie to the 2nd and the lands of Garvock to the 3rd; his Estates in Perthshire having descended to a nephew. And that there is some likelyhood in this appears

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[1] Egglis Madie. Ecclesia Magdalenæ (Pennant).

[2] From a decision of a General Synod held at Perth in 1206, incorporating the depositions of the witnesses examined, and printed in the Spalding Club *Miscellany*, vol. v. p. 210, it is proved beyond all doubt that the founder of the family of Aberbothenoth or Arbuthnott was a certain Hugo de Swinton, who acquired the estate about 1150 from Walter Olifard or Oliphant. It is practically certain that this Hugo was the son of Cospatrick de Swinton and a member of the great family of Dunbar or March, and there are good reasons for accepting the tradition that Hugo's mother or wife was an Oliphant.

[3] This song, obviously the ballad of Sir Hugh le Blond, was first printed by Sir Walter Scott in *The Minstrelsy of the Scottish Border*, having been written down from the recitation of an old woman at Arbuthnott. Whatever truth may be in the story, Arbuthnott was acquired from Walter Oliphant by the great-grandfather of Sir Hugh le Blond, and Fordoun was not acquired till 1608.

from the similarity of part of the Arbuthnott and Oliphant coats of arms.

J. N. was informed by a David Stephen who died in 1750 aged 90 or rather when a young boy heard him tell J. N.'s father whose house he frequented that his own father was ground officer at Arbuthnott to three lairds and one lord.

The 2nd wife of the 1st Lord was a daughter of Lord Lovat. She was extremely extravagant and oppressive to the tenants and almost occasioned the ruin of the Arbuthnot family. She is still mentioned with disrespect in the country under the appellation given her in her life time from the dress she wore of 'Lady Green gowns.'

When the 2nd Viscount succeeded he had only the Mill and the Mains free. At the suggestion of his cousin Lord Southesk he accompanied him to Dunottar Castle to pay his addresses to Lady Elizabeth daughter of Earl Marischal, when a match was settled on, after which the Earl extricated his Lordship from his difficulties and gave his daughter a peremptory injunction never to wear a green gown and to burn all the green gowns about Arbuthnott. It seems this Viscount's appearance was so inviting that the young lady fell deeply in love with him at first sight, and tho' the Earl saw that his finances were embarassed, yet he was so pleased with the young man's appearance that he readily agreed to the match. This Viscount from his prudence was termed the Wise Lord. Altho' he had a numerous family to provide for he added to the family Estates the Upper Barony (now sold to Gordon of Avochy).

The Viscount who succeeded in 1756 after placing the family pictures in the order he meant them to be put up desired the person employed to tell him when matters were adjusted for putting them up, on which his Lordship saluted the picture of the Wise Lord observing he would if possible make him his pattern, but in speaking of Lady Green gowns said that had she not been a nobleman's daughter he would have tossed the huzzy's picture over

the window. He however only gave the picture a place behind the door.

At same time he stated that she was called a witch by the Country people who said that the Cook and Butler murdered her by stoping her mouth with the dishclout. Report also stated that after Lady Green gowns death the Country people believed she rode in her coach between Arbuthnott and the Lodging in Bervie calling out for 'Reek hens and green lint Will Dick.'

J. N. has heard old people speak of an And^{w} Arbuthnot of the family of Arbuthnott [1] who bought the lands of Arrat on the north side of Southesk about 3 miles below Brechin and has seen the Arbuthnot arms in the house of Arrat. The Mill lead of Arrat Mill was cut in one night by the tenants and servants from the Estate of Arbuthnot, owing to some dispute with the family of Southesk; and it would appear that as the Mill was set to work next morning the law so stood that the water could not be afterwards kept from it.

Lord John who succeeded his elder brother Robert and who died in 1756 was the bigest man J. N. ever saw. His mother [2] was of the house of Sutherland of huge stature. Robert died at Bath in 1710 where he is buried and [a] stately monument erected to his memory. This Robt Arbuthnott Marshal Keith and Alex^{r} Arbuthnott of Catterline were once seen walking together at Fetteresso by David Barclay who never saw three such people together for figure and stature.

Lord John having been a stiff Jacobite set out a company of men to join King James at Sheriffmuir but his factor a Robt Thomson having taken the blame on himself the Estate was secured from forfeiture.

Mr. Thomson was afterwards recalled to the Viscount's service when the state of affairs admitted of this being done, and his son who succeeded him in the Viscount's employ was also factor for Ld Halkerton and Sir Al.

[1] Andrew Arbuthnott of that ilk died 1606.

[2] Lady Ann Sutherland, daughter of George, 14th Earl of Sutherland, married to Lord Arbuthnott 3rd May 1683.

Ramsay as well as Sheriff of the County but died a young man. His sister resided at Cortachy aided by the Airly and Arbuthnott families.

After Sheriffmuir Viscount Arbuthnot had a Chapel of his own, but after Culloden the articles in it were taken out and burnt at the suggestion as was reckoned of John Young then Sheriff of the County.

At this time the Viscount ran some risk of a forfeiture. A tenant of the name of Morgan who occupied one of his best farms had given such information to Young the Sheriff that he was promised his farm in property if he could procure another person to join with him in giving testimony. This he attempted but without success, the tenants to whom he applied spurning at his proposals.

After a toleration was granted for Chapels the Viscount again fitted up one, and J. N. has often seen him walking to it in great state, his dependants walking uncovered even in rainy weather. His Lordship was a man of strict honour and very religious, but not otherwise possessed of great mental endowments. Tenants and others in conversing with him used to always stand uncovered. J. N. once saw Lord Halkerton walking arm and arm with his Lordship when the servants observed his Lordship had got a Brother.

The Grandfather of the present Mr. Barclay of Ury was observed not to lift his hat on once introducing himself but merely gave his hand. After he retired Ld A. observed he was scarce a Christian (alluding perhaps to his being a Quaker). Lord A. was very much given to change his servants except a John Wilson who outlived him. Altho' his Lordship was always offended with any of his servants lying or being seen drunk, yet this man had the art of making him believe what he chose and got drunk almost daily. At times when he knew his Lordship to be listening he prayed in the stable, not omitting to name his Lordship etc., and one occasion after his Lordship had heard him and returned to some friends in his house, he observed that tho' Wilson attended his Chapel and the ordinances yet he suspected him from his low grovelling manner to

be a Whigg at bottom, tho' he was certain of his not being a rebell, and he knew he loved his Lordship as he gave Morgan (before ment^{d}) a cudgelling and some times used very opprobrious epithets which Morgan deserved. The son of this Morgan in getting a new lease from the Rich Viscount contrived by giving a scroll of the lease himself to a man of business to extend to make an agreed on additional rent only appear as a grassum and to be only payable for the first year. But in a reduction being brought the lease was set aside, and so much was the Viscounts integrity known that Lords Gardenstone and Monboddo on the first appearance of the action expressed themselves as clear that something was wrong when Lord A. was prosecuting a tenant.[1]

The Religious Lord had several differences with his Lady,[2] the last of which occasioned him to separate and live in a separate wing of the house. It happened that his Lordship in conversing with some of his visitors on religious topics often quoted the Apostle Paul, when her Ladyship exclaimed 'Pox on you and the Apostle Paul too. You pay more respect to him than Lady Arbuthnott.' On which his Lordship ordered her out of the room. After his death she spoke of him with respect and regretted she had not bridled her passion observing that 'if any person get to Heaven he certainly will.'

J. N. heard the late Mr. Sharp preach his funeral sermon, from the text 'The righteous perish and no man layeth it to heart' etc., calling him 'an Israelite indeed in whom there was no guile.' Many people shed tears and cried aloud on this occasion.

Some young Probationers having thought fit to place a print of the Pretender as a mark for shooting at, were kept by his Lordship from getting kirks as long as he lived.

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[1] The 'Rich' Viscount was John, 6th Viscount, who succeeded his cousin 'the Religious Lord' in 1756, and died 1791. Morgan was tenant of the Farm of Kirktown of Arbuthnott, *vide* Campbell Collection of Session Papers, vol. lxii. No. 48, in the Advocates' Library. Both Lord Gardenstone and Lord Monboddo were Kincardineshire lairds and near neighbours of Lord Arbuthnott.

[2] She was a daughter of William Morrison of Prestongrange.

The late John Duncan, writer, Stonehaven told J. N. that the Pretender cost the family of Arbuthnott £60,000, which money he Mr. Duncan as agent for the Viscount gave to Mr. Forbes mer^{t} Ab^{n} who remitted same to Hamburgh. Perhaps others had contributed.

Arbuthnotts of Catterline were of the Arbuthnott family.[1]

On the death of the last Proprietor who resided on it, his brother Alexander in the West Indies left the Estate of Catterline and his West India property to his sister Miss Betty Arbuthnott—who in consequence of some attention paid her by the family of Craigo left the property of Balwyllo (which she purchased with the West India money) to the Proprietors of Craigo and entailed Catterline to the family of Arbuthnott about 1743. She expressed her regret that her fortune had been too late in flowing to her otherways she would have otherwise ordered matters.

Arbuthnott of Kinghornie

Mr. Al. Arbuthnott Minister of Arbuthnott was proprietor of Kinghornie. He was deposed in the time of King William for not conforming and resided in Kinghornie. Davo was also his property at one time, at another that of Mr. Allardice of Allardice, and was originally granted by Earl Marishall for support of his natural daughter by Lady Mary Graham. Mr. Arbuthnott of Kinghornie had three sons.[2] The first was the famous Dr. John Arbuthnott Physician to Queen Anne and Poet. His second, a Minister of Bervie, a satirist and droll poet who owing to

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[1] Simon Arbuthnott, who acquired Caterline from his cousin in 1669, was a younger brother of the 1st Viscount of Arbuthnott.

[2] There are several mistakes here. The Rev. Alexander Arbuthnott was twice married. By his first wife Margaret Lammie he left three sons: Dr. John, Robert the well-known Jacobite banker in France, and George an East India merchant. By his second wife Catherine Ochterlony he had one son George. The disreputable minister of Bervie was not his son, but, as appears from his will, the brother of Robert Arbuthnott, bailie of Montrose.

this writing and conduct, was deposed, particularly a satirical poem on a Minister of Arbuthnott (Melvill) of great sanctity who carried on some concern in bleaching and was a sort of guide to the then Vis^{t} of Arbuthnott in his devotions.

J. N. only recollects a line or two of the Poem to this purport.

'O' he was a fine heavenly teacher and a fine linen bleacher as ever was seen,
Well could he open women's cases and solve their doubts in secret places as clean 's a bean.'

In riding to Glenbervie on a Sunday to preach in room of a Minister who was that day assisting at the Sacrament in another Parish but who was very ill attended in his own parish, he had taken a couple of dogs with him who hunted in their way to and from Glenbervie, and on being asked by one of the Parishioners his reason for bringing the dogs replied—As it is probable the parishioners may not attend sermon how can I without the dogs being present address my hearers.

This circumstance bore hard against the parson and tended greatly to depose him. After his deposition he lived at Montrose on a small annuity and occasionally amused the dissolute Beaux with smutty Sermons. He died on a Sunday he should have appeared in Church to make oath on a woman alledging him to be the father of her child. He composed a few poems relative to David Bruce landing at Kinghornie—erecting a Chapel—endowing High Mass to be sung etc. and his mode of being entertained one of the lines of which poem J. N. recollects was to this effect in speaking of his entertainer 'He roasted a hen to him with strea and gave him a dram out of a paiten tea.'

Alexander Arbuthnott's third son (Robt) was by the interest of Dr. Arbuthnott appointed Lt Governor of Virginia.

Sir Wm Nicolson of Glenbervie said to be descended from

the Nicolsons of Laswade[1] first purchased Mergie and afterwards sold it and purchased Glenbervie from the husbands of the heiresses of Mr. Douglas.

In 1746 he was very zealous for Government, while his Lady was as much so for the Pretender. Lord Ancrum on his way to Culloden sent two dragoons to Glenbervie intimating to Sir W^m^ his relative[2] that he intended to call there on his return. The appearance of the Dragoons at first much alarmed Sir W^m^ who reckoned the language his lady was in the practice of uttering had brought him into a scrape. But after their departure she still adhered to her resolution of making their son (then about 18 years of age) join Earl Marishal on his coming over.

After Lord Ancrum had returned from Culloden to Glenbervie, where he staid three days and nights, happening to talk of the manner the rebel scoundrels were tumbled in heaps, Lady N. observed with a sigh she hoped their souls were safe. On this Lord A. said I w^d^ not give the soul of my horse in the stable for the souls of all the rebels in the Nation. In a few minutes her Ladyship retired to her bedroom lamenting in the presence of her maid for her Prince in some such words as 'Oh! my Royal hereditary King what will become of him?'

Sir W^m^ had a practice of keeping a candle burning in his Bedroom at night, observing that a house was never known to be robbed if light was noticed in it. But the country people rather concluded that Sir W^m^ had been guilty of some crime which made him afraid to sleep in the dark.

John Young the Sheriff before ment^d^ had lodged with Lord Ancrum an information against Sir Al. Bannerman of Elsick as to his connection in the rebellion. But on

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[1] There were several families of the name who all originated in Aberdeen and attained to considerable eminence, *e.g.* Lasswade, Carnock, Tillicoultry, and Glenbervie. Sir William was the second son of Sir George Nicolson of Cluny, etc., who as Lord of Session was known as Lord Kemnay, and he succeeded his brother Sir Thomas in 1728.

[2] His niece, the daughter of Sir Thomas Nicolson, married the 3rd Marquess of Lothian. Her son Lord Ancrum was accordingly Sir William's grand-nephew.

conversing with Sir Wm Nicolson he resolved to rather interfere in his favour, observing that Young had lodged information rather from self-interested than Loyal motives. It would appear that Sir Al. was related [to] Ld Ancrum.

Sir W^m^ lived to a great age and looked fresh coloured to the last. It was reckoned by some people that he painted himself. His son Sir James being without issue when the old man was about 85 years of age he married a young Lady of about 18 daughter of Mr. Milne laird of Dysart who had five children to him.

KAIR. Sibbald[1] was anciently the family name of the Proprietors of this Estate. The name of the present Proprietor is G. Farquhar Kinloch descended from a person of the name of Kinloch who fought at Bothwell briggs. This person settled on the property of Halkerton where his son after taking a larger farm than the father occupied was appointed factor on the Estate.

He was so economical as to send straw and oats to Montrose for the use of his horse when he went there to receive the farm victual of the Estate, and by taking bread and cheese with him in his pocket, only put himself to about 1^d^ for beer each journey.

He was so attentive to see all his animals fed particularly in time of storm that he made a trough be filled with pease for his pigeons hens ducks etc.

The present proprietors mother seems to have been a daughter of Kinloch and his father's name Farquhar.

REDMIRE AND CASTLETON

An heiress of this property having married and soon after become a widow, William Stewart of Inchbrakie who happened to accompany her to bring her first husbands

[1] The Sibbalds were a very old family in the Mearns, appearing in the *Registrum de Aberbrothoc* as early as 1203. The celebrated *Missale de Arbuthnott* was the work of James Sybbald, vicar of Arbuthnott in the end of the fifteenth century. The estate of Kair passed in 1683 to an heiress, who married Guthrie of Halkerton. See also *post*, p. 90.

corps to the place of interment from the River Dee where he accidentally was drowned paid his addresses to the widow and married her a few weeks afterwards.

This William Stewart (or Stuart) being related to the Royal family of Stuart was very inquisitive as to the pedigree of those bearing that name, and generally on finding them to be what he term hill-run Stuarts or such as had assumed the name in consequence of being concerned in crimes which would have brought them to the gallows applied his horse whip to them without ceremony.

Both this Mr. Stuart and his son Dr. John Stuart an eminent physician were very bad husbands. The Doctor's first wife hanged herself and the second was under the necessity of separating from him.

A brother of the Doctor's accompanied the Pretender in 1746.[1] About 1760 he paid a visit to his native country and then wore a star or bage which some reckoned the insignia of St. Lewis, others reckoned it was given by the pretender.

Dr. John Stuart was succeeded by his son Dr. Dav. Stuart who sold the property of Inchbreckie to his brother John Stuart Professor in Marishall Colledge, Ab^{d}.

Dr. David Stuart's children sold Redmire to Ja^{s} Allardice. Castleton was sold to a Mr. Forbes.

Burnett of Monboddo[2]

Said to be descended of Burnett of Craigmilie who married the heiress of it named Irvine descended from the 2nd son of Irvine of Drum. The late Lord Monboddo's father was a strict Jacobite. 25 men were sent out to join the Pretender under the charge of his gardener Ja^{s} Haig who took the blame on himself. This man was kept for some time in prison but after relieved by the Act of

[1] James Stuart, second son of William Stuart of Inchbreck, was a captain in Lord Ogilvie's regiment. His Day-book, containing the army orders, is printed in the first volume of the Spalding Club *Miscellany*. After Culloden 'he entered the French service, where he was created a Knight of the Order of Merit, and died at St. Omer in 1776.'

[2] For the history of this family, *vide post*, p. 83.

Indemnity and both he and his family were afterwards attended to and respected by the family of Monboddo.

Ogilvy of Barras

The genealogy of this family published by the Knight was challenged about 1702 by the Earl of Kintore and having been found false the Knight was fined in £200 scots and the genealogy burnt by the hangman at the Market Cross of Ed^{n}.

The genealogy given by Dav. Barclay before met^{d} relative to that family is as follows. His father was born in 1603 and remembered well the first of the Ogilvies of Barras coming to Dunottar Castle.

The kitchen peat driver was loading his barrow on the brae when a stout beggar boy wished to get himself introduced to the Castle. The boy having taken hold of the barrow was proceeding with him when the Countess noticed him and enquired his name, and being informed it was Willie Ogilvy, she, being of the Airly family of Ogilvies, patronised him, sent him to school and advanced him by degrees until he obtained the lands of Lumgair [1] in wadset from the Earl and was entrusted as Governor of the Castle.

What is said about Ogilvy preserving the Regalia is reckoned false. It was the Earl's Brother who removed it by getting a Crawton boat on a dark night to receive it from the Sally port.

About 1767 Lord Ogilvy being allowed to come home after the rebellion, Sir William Ogilvy introduced himself to him at Mill of Stonehaven as he was passing northwards to visit his friends and having got his promise to call at Barras on his return made great preparations for his reception. By the time he returned however he had got

[1] William Ogilvy, who got a wadset of Lumgair, is said to have been a younger son of Ogilvy of Balnagarro. For information regarding this family and the controversy about the defence of Dunottar, *vide* Nisbet, *Heraldry*, ii. p. 221; *Papers relative to the Regalia of Scotland*, Bannatyne Club; *Papers relative to the Preservation of the Honours of Scotland in Dunnottar Castle 1651-52*, Scottish History Society, 1st Series, vol. xxvi. p. 99; and *In Defence of the Regalia*, by the Rev. D. G. Barron.

the genealogy of the Barras family above recited and on Sir W^m^ again introducing himself he was accosted in language which he conceived so insulting as to call on his man of business for the purpose of getting pen ink and paper to write a challenge but was dissuaded by the man of business who represented Ld Ogilvy as a madman.

Barclay of Ury pretends to be descended of Barclay of Mathers. But from particulars given in Mr. Napier's narrative this seems doubtful.[1] It there appears rather the family are descended from a Leith merch^t^ and of his son who fought in the protestant wars with (perhaps under) Gustavus Adolphus King of Sweden.

II

MEMOIR OF THE IRVINES OF MONBODDO[2]

'Irvine of Kincoussie' was a Cadet of the Ancient Family of Bonshaw in Ayrshire. The late Macfarlane, a great Antiquary, told my father that one of their Ancestors, as appears from the peculiarity of their Cypher, had been among the Cruisaders attending King Richard

[1] It is unfortunate that these particulars are not included in Mr. Walker's excerpts! A short sketch of the history of the family is printed *post*, p. 92.

[2] The writer of this Memoir is understood to be Helen Burnett, the elder daughter of the well-known Judge, Lord Monboddo. She was married to Kirkpatrick Williamson, succeeded to Monboddo on her father's death in 1799, and died in 1833. It is an interesting circumstance that the neighbouring families, the Irvines of Drum and the Burnetts of Leys—both from the south of Scotland—were established by Robert I. in the possessions which their descendants still hold. Further information regarding them may be found in *The Irvines of Drum* (Aberdeen, 1909), and *The Family of Burnett of Leys* (New Spalding Club, 1901). The former book illustrates the desirability of documents being read before they are published. Facing p. 20 is the photograph of an ancient writ described as 'Charter of Drum Royal Forest to William de Irwin 1322-23.' It is, however, in reality a charter by Robert I. to Thomas de Carnoto of an annual rent of ten merks from the lands of Ures! For the Charter of Drum by Robert I. to William de Irewyn, recourse must be had to *The Book of the Irvings*, by Col. Irving of Bonshaw, generally regarded as the chief of the name, where it is reproduced in facsimile to face p. 94.

Cour de Lion and perhaps with Byron's forefather 'John of Horstain' beneath the Walls of Palestine slumbers. Mr. Irvine married Jean Collyson, Daughter of Thomas Collyson of Achlunes, who bore him two sons John and Thomas called *black batts.* A notable esprit, no doubt in his day, tho' none of his exploits have descended to our Day. He married Janet Wishart of Pittarow, by whom He had a son named Robert, who went to Germany to his Mother's Brother Captain Wishart, and rose to the command of a Troop of Horse. Successfull also in the pecuniary fruits of His Services, He was enabled to look out for a settlement, when He should incline to retire to his native Country—for which pur[pose] He seems to have employed Mr. Thomas Lindsay Writer in Edinburgh. On the wreck of the Strachan Family, Monboddo came into the hands of the Wisharts, who soon fell in their turn, and were succeeded at Pittarow by Sir John Carnegie Bart. married to Capt. Irvines sister, which naturally suggested the Purchase of Monboddo to Mr. Lindsay along with Culbacks, Drumsleed, Den Mill and Abbeytoun or Abotstoun—which belonged originally to Kair but given in marriage with their Daughter Miss Eva Sibbald to the Laird of Mondynes, and being settled on Herself was piously bequeathed to the Abbeyacy of Arbroath, and restored at the Reformation on a Few duty of 15s. Sterling which I pay yearly to the Minister of Lethnot—Drumsleed and Den Mill were bought from Glenfarquhar. On the *Brae* near Gilberts Hill was the remains of an ancient Castle, and on the hight was held the Market of Pady fair—which Sir David Falconer reserved, transferring the Stance to a part of His domains about a mile to the north of His house, where it continues every July according to the original charter. This Sale was effected finally in 1629 and in 1630 Capt. Irvine was duely infefted at Edinburgh —while he was distinguishing Himself on several occasions, particularly the Battle of Lutzen 6 December 1632 where His Royal and brave Commander Gustavous Adolphus perished—after which with many others, He became disgusted with Count Horn, Sold his Commission

and took possession of Monboddo in the following year—where in 1635, He built the Manor Place as it is called in the old Writ—upon the site of an older Building—according to the fashion He had seen in Flanders with 2 small Turrets—Garden in front to the south, and wood and Orchards to the North and East. He married Elizabeth Douglas eldest Daughter of Sir William Douglas[1] of Glenbervie Bart. 2nd Son of Archibald Earl of Angus the 11th in the direct Male Line of the Douglas's. Sir William had acquired great property by His Lady Elizabeth Achenfleck of Balmano—His 2nd Daughter married Sir Thomas Burnett of Leys, Bart. and his 3rd and youngest Daughter married William Rait of Halgreen. Captain Irvine's Lady bore him 2 Sons and 3 Daughters—the eldest of these Margaret, married Sir David Falconer of Glenfarquhar and died in child bed of a Daughter, Elizabeth, married to Sir Charles Ramsay of Balmain Bart. from whom the late family were descended—Lady Falconer was much celebrated for Her beauty—'that resplendent fairness,' as Rousseau calls it, recorded in the following doggeril :—

'From Monboddo there flew a *Swan*
And lighted on Glenfarquhar—
She laid an egg, and then she died,
And that was all her laughter.'

From which we may infer, that to Helen's 'Milk white arms' She had united the Supple limbs of Atalanta—His 2nd Daughter Elizabeth married James Burnett of Lagavin Grand Son to Sir Thomas Burnett Kt. of Craigmyle and consequently the Heir Male of that Estate, tho' the Court of Session found otherwise—in my father's opinion most *unjustly*. The 3rd Daughter Jean married Mr. Robert Irvine of Cults—and appears to have died without issue. Captain Irvine died in 1652 aged 80 and from His

[1] Sir Robert Douglas, fourth son of William Douglas of Glenbervie, who became 9th Earl of Angus in 1588. According to Sir Robert Douglas, *Baronage*, p. 19, the eldest daughter was Margaret, married to Burnett of Leys; the second, Jean, married to Rait of Halgreen; and the youngest, Elizabeth, married to Irvine of Monboddo.

connection with Glenfarquhar, Affection for His Daughter, or agreement in the bargain of Drumsleed was interred in their burial Place in St. Paladius Chapel in a handsome Stone Tomb with a Latin inscription commemorative of His Virtues and His Bravery :—

> 'Conjuge progenie felix virtutis honestae.
> Cultor et antiquis exoriundus avis—
> Hoc cubat Irvinus monumento Caetera norunt
> Musa et vitiferis Sequana Claris Aquis.'

He had been a man of powerful frame and large stature, as is evident by his suit of Armour still preserved at Monboddo. His Lady survived Him some years and was laid by His side in the Tomb—where I can remember seeing their tall skeletons when the chapel was first arranged for a temporary place of Worship and on the last purpose of this kind it was utterly dismantled to make room for a Stair to the Gallery—and the stones cased up outside the Wall. His eldest Son Robert lived unmarried and continued, as the old writs express it, 'Sometime of Monboddo,' but an indefinite sort of transaction seems to have been adjusted between Him and his Brother Alexander (to whom the Captain had left Abbeytoun for a portion) who is now also styled 'Sometime of Monboddo' probably upon the latter taking to Himself a Wife. (His Mother confirmed it in 1655, and on her death in 1655 His Brother renewed the gift which was likely the old Ladies Dowery.) In May 1670 a final sale of the whole was concluded with their Brother in law Lawgaven 'always with the consent of Sir David Falconer,' and the price divided among the Heirs. But I find the reading of the old writings so difficult that I am unable to discover what either Irvine or Burnett paid for the *property* to which the latter entered into possession at Whitsunday in that year paying so much, and giving a bond for the remainder bearing Interest. Alexander Irvine and His Wife died at an early age, leaving 1 Son Alexander and 2 Daughters Margaret and Elizabeth. In 1686, 4th of October, we find their Uncle Robert, apparently from his

altered signature in a dying condition, executing an Assignation of the above Bond in their favour—as 'granted 'by Lawgaven, in the Hall of Monboddo at 12 o'clock 'noon 6th June 1682, for twa thousand Merks Scotts 'money balance then due of the price of the Lands of 'Monboddo, Sold by me (Robert Irvine) and my Brother 'Alexander now deceast—also a Legacy of 248 pounds '13 shillings 5 pennies Scotts bequeathed to me by my late 'Mother Dame Elizabeth Douglas, as the amount of some 'gear or plenishing in Life Rent, and my Brother Alexander 'in fee—with consent of Sir David Falconer etc. etc. 'writtein at Glenfarquhar and witnessed by His Nephew 'Sir Charles Ramsay of Balmain—Robert Irvine of Cults— 'Robert Irvine Parson of Glenbervie' etc. etc. He had however recovered from this illness, for on the 4th of April 1691 there is a formal corroboration at Stonehaven 'in presence of Master James Keith of Augharask and Caldame, Sheriff Depute of Kincardinshire sitting in Judgment' etc., meantime J. Burnett seems to have thriven wonderfully by His removal to Monboddo extending His wings to Kair Whitefield Sillyflatt Halgreen, Johnshavin and Balandra. Kair He bought in 1685 from Harry Guthrie and his Spouse Elspet Sibbald the Heiress of that Land: the others He acquired by advances of money to his Brother in Law William Rait,[1] a *bon vivant* of the old School and admirably supported by the Viscount of Arbuthnott, who had a 'Lodging' as it was called in Bervie for His winter residence. Between that, the Castle of Halgreen and a certain Public-House in the Borough, their time past merrily, till Mr. Rait's Creditors lost patience, and broke up the party— They next attacked J. Burnett, as having purchased the lands at an under value; but He gallantly defended Himself, and the Court at Edinburgh found the price paid to be fully fair and adequate—upon which He took out a charter of confirmation, Settling all these new acquisitions upon Himself in Life Rent and His 2nd Son Robert in fee.

[1] For the misfortunes of William Rait, *vide post*, p. 144.

His eldest Son Alexander was so remarkable for his personal appearance that on His visiting London He attracted the notice of a Young Painter, who requested the favour of His Portrait to ornament His Studio, promising to send a copy to his Mother, which I have heard my father regret never arrived. In January 1686 He married Margaret Burnett of Leys, 2nd Sister of Sir Thomas Burnett, Knight and Bart. So zealous had Monboddo and His Lady been for this match, that they gave up Monboddo to the Young Couple—not only that, but in the event of the death of Alexander and of His father J. Burnett, the widow was to have Lawgaven for Her Jointure; 'manor place' and farm warranted to produce 14 Chalders of Victual worth 100 Merks Scotts per Chalder and Elizabeth Irvine gave up her provision of 12,000 Merks Scotts, on that property, for which she was remunerated by 700—and twenty Merks yearly from Johnshaven fishings, and the manor place and park of Kair if she should survive Her Husband. The Brides portion was only 8000 Merks Scotts but it seems she was thought a prize of Herself. Their family as recorded in a Leaf of their Bible in a very antiquated hand was 1st Margaret born in 1687, 2nd James born in 1688, 3rd Thomas in 1689 —I believe a poshumous child and soon James alone remained the Inheritor of His Father's beauty and eventually the whole possessions of His family. Old Lawgaven after an active and useful Life, died in May 1699 exactly 100 years before His Grandson Lord Monboddo finished his not inglorious course. On this event Margaret Burnett asserts Her claim, and puts Her marriage contract on record at Edinburgh but did not live long to enjoy her 14 Chalders. The Misses Margaret and Elizabeth Irvine's seems to have removed to Edinburgh and also on their Uncle's death assign His Bond aforesaid safely vested in them since the decease of Robert Irvine and their Brother Alexander to Mr. Richard Strachan Writer there, Grandfather to the late George Strachan Keith Esquire, a Relation most likely of their mother's with power to uplift the same and manage it for their

behoof. Mr. Robert Burnett, so amply provided, did not long survive his father, but died unmarried about 1700 for in March 1701 His Mother residing at Kair executed a deed of Factory to Her only living child Jean Burnett Lady Carnegie of Pittarow 'having good experience of Her affection and faithfullness, to receive and grant discharges in her name, and do all that Her age and infirmities required etc. etc. in presence of Dr. Thomas Burnett of Cowton Tutor of Leys residing at Glenbervie (being married to the Dowager) and Tutor Dative to Her Grandson James Burnett now Heritor of all these Lands (viz. Kair etc. etc.). Witnesses Mr. John Arbuthnott of Fordoun Mr. John Carnegie younger of Pitarow and J. Mitchell Servitor to Sir John Carnegie attested by James Irvine Sheriff Clark and Notary Public.' She here styled herself by Her maiden name Elizabeth Irvine and Lady Lawgaven, on which she had been first alimented is docuted on the back of the Paper.

Doctor Burnett was supposed to take much better care of His own interest than that of His Ward, the first important affair that occured in His Guardianship was the openings of the succession to Craigmyle, which after much litigation, He treacherously connived with the Female Heirs to gain the cause from the young Laird and by a series of mismanagment paved the way for future embarrassments. On attaining majority Mr. Burnett espoused Elizabeth Forbes only Daughter and at that time only child of Sir William Forbes of Craigivar 3rd of November 1709. He was esteemed the handsomest Man in the Mearns and she a fine woman tall and fair—of good sense and pleasing manners—my father used to say to the late Mrs. Wright of Lawton, 'Why, Mally, considering two such Parents really I think I should have been a little handsomer.' Tho of middle size Monboddo was uncommonly strong and active, a putting stone remained long in a corner of the courtyard as a memorial of his prowess but was unluckily lent to the Tenant of Abbytoun for a Hay Weight and never returned. By this Lady He had 11 Sons and 3 Daughters some of whom died in Infancy, many

after they were educated and sent into the world—only 2 lived past 70 and 1 to 87. His attachment to the House of Stuart led Him into the fatal 15. He was wounded and taken prisoner at the Battle of Falkirk—A prisoner in Stirling Castle removed to London for trial, but liberated after long confinement by the intervention of powerful friends particularly the Son of Bishop Burnett His Relation. All this combined to derange his finances and to estrange him from the affections of His *good Mother* Margaret Rose of Killrauk Lady Dowager Forbes, who had ability to assist Him (but upon her death in 1741 she left her daughter 10,000 merks to be divided as she thought fit among the children). He got involved into Lawsuits with the Heirs of His Tutor, so that His Estates began to melt away. 1st Kair was sold in 1726 to George Kinloch in Achenblay factor to Sir David, or Sir Alexander Falconer. Halgreen, Johnshaven, and Balandro in 1723 to Thomas Fullarton of Gallery Commissioner of Excise and lastly Lawgaven to his eldest surviving son James on His commencing Advocate with the freehold qualification on which He was inrolled. Here I beg leave to conclude this imperfect sketch in abler words than my own :

> 'Veniam pro laude peto
> Laudatus abunde
> Non fastiditus se tibi lector ero.'
>
> Ovid.

Corrections and Addenda upon the Memoir

Halgreen, Sillyflatt, Whitefield, Johnshaven, and Balandro were sold for 49,000 punds Scotts Money to Thomas Fullerton of Gallery Commissioner of Excise. Kair was sold in 1726 for 18,313 punds 17 & 2^{d} Scotts money to George Kinloch residing in Achinblay Factor to Sir David Falconer Lord of Halkerton and a Strickt deed of Intail detailed in the Disposition from Monboddo on account of his Daughter marrying to displease Him to Farquhar, hard-ware merchant in Edinburgh at the sign of the Red Lyon, by which only Her Heirs Male were called to the property—

whom failing to the second and youngest Son of His Brother Alexander Kinloch Servant to the Earl of Northesk.

In a note upon the marriage of J. Burnett to Elizabeth Irvine, He is called J. B. of Tillywhilly which at first seemed a mistake, but [I] found it in a warrandice upon some of his purchases which at that time He must have been possessed of—but on what terms—how long—and when sold—have yet to learn.

I remember seeing a Letter of His daughter Jean upon Her marriage with Sir John Carnegie to Her Brother Robert,[1] written on a slip of paper as Swift says the Ladies of England wrote in His time, 'from corner to corner' in a Lassie like hand and Lassie like joy:—'ever dear Brother Robert you wish to know how I am and how I am like to be—assure yourself tho not so bonny as my handsome Aunt of ever dear memory I trust I have flown as happily—my Knight desires His Service.'

James Burnett tho' he sold so much and seems to have been much embarrassed bot Cushnie farm of Sir James Carnegie for £1000 Stirling part of the Barony of Mondynes as it lay at the gate of Monboddo to the East between it and Castleton, now the property of William Stuart of Inchbreck by his wife the heiress of Harry Guthrie and Miss Sibbald who sold Kair to Lawgaven—By a deed of provision for His younger Children, He names among other Tutors for them Hugh Forbes of Shivas. His eldest Daughter Margaret married Mr. Lauder of Pittscandle in Forfarshire but it proved a barren and unhappy marriage—tho He was a remarkably handsome fair spoken Man, and she a young accomplished sensible woman they separated. His affairs went into disorder and obliged Him to go to the West Indies where He died. By a neglect in taking Infefment to secure Hir Jointure, the Creditors refused to implement the obligation—so that Monboddo, besides the loss of His Daughters portion—expences of the Dispute etc. had Her returned on his hand—and, coldnesses ensuing, agreed to settle on Her £32 Sterling per annum

[1] Robert Burnett of Kair.

which, with a small sum recovered and sunk for high Interest in the hands of Kincoussie, by wonderfull, yet genteel economy She contrived to keep a comfortable house in Aberdeen—with the kindness of friends inviting Her to the country in summer and a dozen or two of Claret when she became old and weak from Her Brother Lord Monboddo. In the sale of Halgreen it appears that a jointure was secured upon it for the wife or widow of William Rate the younger with whom the Race expired. It would appear that Lawgaven had been Executor and probably Residuary Legatee to His Mother in Law Elizabeth Douglas—as an instruction from Robert Irvine Her Son urges, the speedily turning the effects settled on Him into money. Tis also like likely the old Lady had ended her days at Monboddo.

III

ANCESTRY OF THE FAMILY OF BARCLAY OF MATHERS AND URY from A.D. 1110 to A.D. 1610 [1]

1. Theobald de Berkeley, born A.D. 1110, lived in the time of Alexander the First & David the First, kings of Scotland.

2. Humphrey his son, cousin of Walter de Berkeley, Great Chamberlain of the Kingdom, became owner of a large domain in this County, and from the lands of Balfeith, Monboddo, Glenfarquhar, and other portions of it, granted to the monks of Aberbrothwick, donations that were confirmed by William the Lion.

3. Richenda, his only child, renewed & made additions

[1] The MS. from which this is printed is in the handwriting of Mr. William Fraser, Stonehaven, uncle of Sir William, to whom he sent it in July 1855. The first part may be a summary of some earlier pedigree (cf. Nisbet, *Heraldry*, vol. ii., App. p. 236), but the inscriptions on the monuments were copied by himself.

This MS. must have been known to the late Mr. Jervise, as it appears, with various additions, in his *Epitaphs and Inscriptions* (1875), vol. i. pp. 80 *et seq.*

to these donations, and her grants were confirmed by Alexander the Second.

4. Dying without issue, she was succeeded by John de Berkeley, brother of Humphrey, who dispossessed the monks of all these donations, but was obliged to compromise & give them instead, a portion of his lands of Conveth, and that transaction was confirmed by Alexander the Second.

5. Robert de Berkeley, son of John, had concurred in his father's compromise with the monks.

6. Hugh de Berkeley, son of Robert, obtained from King Robert Bruce a Charter over the lands of Westerton in Conveth.

7. Alexander de Berkeley, son and successor of Hugh, married Catherine, sister of William de Keith, Marischal of Scotland, A.D. 1351, and by that marriage added to the paternal estates the then extensive domain of Mathers, conveyed by Charter from the Marischal, confirmed by King David Bruce.

8. David de Berkeley, 2nd of Mathers, married the daughter of John de Seton.

9. His son Alexander de Berkeley, 3rd of Mathers, married Helen, daughter of Grahame of Morphie.

10. Their son David de Berkeley, 4th of Mathers, who built an impregnable castle called the Kaim of Mathers and according to tradition there took refuge on account of his concern in the murder of Melville the Sheriff,[1] married the daughter of Strachan of Thornton.

11. His son Alexander, 5th of Mathers, married the daughter of Wishart of Pitarrow. He changed the spelling of the family name to Barclay.

12. His son David Barclay, 6th of Mathers, married Janet, daughter of Irvine of Drum.

13. Alexander Barclay, 7th of Mathers, son of David, married the daughter of Auchinleck of Glenbervie, & anno 1497 sold the lands of Slains and Falside to Moncur of Knapp.

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[1] *Vide ante*, p. 63.

14. George Barclay, 8th of Mathers, his son, married the daughter of Sir James Auchterlony of Auchterlony & Kelly.

15. His son David Barclay, 9th of Mathers, married, first, the daughter of Rait of Hallgreen, by whom he had a son George; and, second, Catherine Home, and to John his son by her he gave the lands of Johnston.[1]

16. George Barclay, 10th of Mathers, elder son of David, married, first, the daughter of Sir Thomas Erskine of Brechin, Secretary to James v. of Scotland; second, the daughter of Wood of Bonnington. To his son by her he gave the lands of Bridgeton & Jackston.

17. Thomas Barclay, 11th of Mathers, elder son of George, married the daughter of Straiton of Lauriston.

18. David Barclay, 12th of Mathers, son of Thomas, was born anno 1580. Polite & accomplished, he lived much at Court, incurring extravagant expenses to the great impairment of his fortune, whereby he was obliged to sell five valuable Estates. He married, first, Elizabeth, daughter of Livingston of Dunnipace, by whom he had five sons & a daughter; second, Margaret Keith, grand-daughter of Earl Marischal. To his daughter he gave a handsome fortune; to his sons a liberal education. The two eldest died young; David the third became eminently conspicuous; Robert the fourth was Rector of the Scots College at Paris; James the youngest, a captain of horse, fell gloriously at the battle of Philiphaugh.

19. Colonel David Barclay, the 12th of Mathers, was born anno 1610 at Kirktonhill, the ancient seat of the family. Instructed in every accomplishment of the Age, he entered as a volunteer the service of Gustavus Adolphus of Sweden, in which he so distinguished himself as to gain the favour of that monarch. But called home by the civil wars which distracted Scotland, he was anno 1646 placed in the Colonelcy of a royal regiment of horse and was repeatedly entrusted with the command of an army and the military government of considerable portions of

[1] From him are descended the Barclays of Balmakewan.

the kingdom, in all which positions he acquitted himself with skill & bravery & rendered important service to his Country. In 1647 he married Catharine, daughter of Sir Robert Gordon of Gordonston who was second son of the Earl of Sutherland by Jane, daughter of the Marquis of Huntley, & was also cousin to King James the Sixth of Scotland. The estates of the Barclays of Mathers having been nearly all disposed of by his father, the Colonel acquired by purchase from the Earl Marischal the barony of Ury and there fixed the residence of the family. He sat in the Scots parliament as representative successively for Sutherlandshire & the Counties of Angus & Mearns.

The grave of Colonel David Barclay of Urie, son & heir of David Barclay of Mathers & Elizabeth daughter of Livingston of Dunipace; he was born anno 1610, bought the barony of Urie 1648; having Religiously abdicated the world in 1666 he joined the quakers & died the 12th of October 1686.

The grave of Robert Barclay of Urie, author of the Apologie for the quakers, son & heir of Colonel David Barclay of Urie & Katherine, Daughter of the first Sir Robert Gordon of Gordonston; he was born Dec. 23rd 1648 & died Oct. 3rd 1690. Also of his wife, Christian, Daughter of Gilbert Mollison, Merchant in Aberdeen; she was born anno 1647 and died Feby. 14th 1723.

The grave of Robert Barclay of Urie, son & heir of Robert Barclay of Urie & Christian, Daughter of Gilbert Mollison, Merchant, Aberdeen, & eldest son of Thomas Mollison of Lauchintully; he was born March the 25th 1672 & died March the 27th 1747.

The grave of Robert Barclay of Ury, son & heir of Robert Barclay of Ury & Elizabeth O'Brian, Daughter of James O'Brian Esqr of London & son of Colonel O'Brian of the Kingdom of Ireland; he was grandson to Robert Barclay of Ury, Author of Apologie for the quakers, was born 20th July 1699 and died 10th Octr 1760.

The grave of Une Cameron, wife of Robert Barclay of Ury and Daughter of Sir Evan Cameron of Lochiel; she was born March 1701 and died March 1762. Also of Jane Barclay her Daughter, who was born in 1726 & died August 1750.

The grave of Anne Barclay, the eldest Daughter of Robert Barclay of Ury, great-grandson of Robert Barclay of Ury, Author of the apologie for the Quakers, and Sarah-Anne Allardice of Allardice, Daughter & heiress of James Allardice; she was born 13th September 1777 & died Octr 29th 1782.

To the Memory of

Une Cameron, wife of John Innes Esquire of Cowie, who was born in 1778 & died at Cowie in September 1809.

Mary, born in 1780, who died in 1799; James Allardice, born 1784, who died in the Island of Ceylon in 1803; David, Major in the 28th Regiment of foot, who was born in 1786, & died at Otranto in Italy in 1826. All children of Robert Barclay Allardice Esquire of Ury & Sarah Anne Allardice of Allardice, heiress of line of the Earls of Airth & Monteith.

To the Memory of

Robert Barclay Allardice Esquire, 5th of Ury, great-grandson of the Apologist, who was born at Ury in 1731, & having accquired by marriage the Estate of Allardice, thereupon assumed that additional surname.

Inheriting from his father, Robert the Strong, Symmetry of form & great muscular power, he excelled in all the athletic exercises.

Succeeding to Ury on his father's death in 1760 while it was yet in the rudest condition, he zealously devoted towards its improvement the energies of a vigorous mind stored with a thorough knowledge of agriculture, attained by assiduous study of its theory & practice in the best districts of England.

Accordingly he brought into high cultivation 2000 arable acres, planted 1500 acres of wood, & executed the

manifold operations connected with such, in a manner so unexampled & successful that his practice became the conventional standard over an extensive district, & placed him in the foremost rank among Scottish Agriculturists.

By the grant of feu-rights on his estate of Arduthie, he laid the foundation of the New-town of Stonehaven & lived to see it become a populous & thriving community.

By unanimous election, he represented his native county in three successive Parliaments, distinguished by his loyalty & patriotism, & honored with [the] intimate friendship of the great William Pitt & other eminent statesmen of the time.

He died at Ury the 7th of April 1797.[1]

IV

WRITS RELATING TO THE HAYS OF URY [2]

The Thanage of Colly or Cowie, including apparently the lands of Ury, seems to have belonged to the Comyns, and on their forfeiture to have been granted to the Frasers by King Robert I. On 10th October 1413, William Fraser, Lord of Philorth, 'for a sowme of syluer beforehand in my mykil myster to me payit' disponed to William de Hay, Lord of Eroll and Constable of Scotland, his baronies of Colly and Durris. On 14th May 1415 the Constable obtained a charter of Cowie from Robert, Duke of Albany, Governor of Scotland. The Letters of Sale and the Charter are given in *The Frasers of Philorth,* vol. i. pp. 201-202. The estate of Ury, which seems to have been made part of the barony of Eroll at an early date, remained in the possession of the Hays till 1647, when it was acquired by William, Earl Marischal, from whom it was purchased by Colonel David Barclay *(vide supra,* p. 95).[3]

[1] By his wife, Sarah Ann Allardice of Allardice, he had a son, Robert Barclay Allardice, well known for his feats as a pedestrian. He died in 1854, in which year Ury was sold to Mr. Alexander Baird.

[2] These writs seem to indicate that some of the statements in the article 'Erroll,' *Scots Peerage,* vol. iii., require reconsideration.

[3] For further information as to Ury and its owners *vide The Baron Court Book of Urie* (Scot. Hist. Soc., First Series, vol. xii.).

(1)

[Endorsed] Precept of Saising giffen be the Erll of Erroll to his father brother Laird of Urie. Slaines 20 off Julii 1455

Witnesses . . . de fillorth Patricio Crafurd de fotheran Alexandro le Haya de Drumlaw Dno. Nicholayo Blar currete de Dunottar et Roberto Leis capellanis et notario publico.[1]

(2)

Renunciation in favour of William Earl of Eroll by William Hay of Ury of a grant of the barony of Cowie made to him by the said Earl, dated July 28, 1455

Till all and sindry to quhais knawlage thir present letres sall to cum William ye Haya of Ury greting in gode aylestande for alsmekyll as my deirest lorde William Erle of Eroll Constabill of Scotlande and lorde ye Haya gaff & grantyt to me ye Barony of Colly lyande in ye Sherefdome of Kyncardyn to be haldine of ye Kyng in fre Baronry & yarupone gaf me his charteris & letres of Seysing as in ye samyn charteris & letres yarupone made mar playnly is contenyt apone ye quhilk charteris I rasyt ye Kyngis Confirmation Quharfor zour Universite sall wit yat for oyir certane appoyntmentis and contraxis made betwex my forsaide lorde and me I haf ourgiffine and be yir present letres ourgiffis and quhitclames for me my ayris & my assignys all charteris letres of seising & confirmation yarupone to me made nochtwithstanding my ayris myn assignays procuratouris na attornais tak neuyr stat na possessioun of ye saide Barony witht ye pertinentis reuocand & adnulland ye forsaid charteris letres of seising & confirmation for euir discernande yaim to be of na valew strinth nor effect quhair euir yai be schawin in jugement or wtew And gif it sall happine me my ayris or my

[1] This writ is illegible excepting the fragment printed above.

assignays to mak ony clame questioun or demande to ye saide landis to be haldine in Baronry of ye Kyng or to ye charteris letres of seising or confirmation yarupone to me made as gode forbide I oblyss me my ayris & myn assignays in stratast forme of obligatioun to pay content & refunde to my forsaide lorde his ayris or his assignays a thousande pundis of usuale money of Scotlande or euyr we be harde in jugement our clames beande neuyr ye mar of force nor effecte to be rasit and lyftyt of ye forsaid Baronry of Colly ye quhilk I grant for me & my ayris & myn assignays to be haldine of my forsaide lorde and his ayris eftir ye tenor of ye charteris of halde feftmentis yarupone to me giffine be my lorde my fader Sir William ye Haya knycht. In witnes of ye quhilkis to thir present letres my seyle is apponsit at Abberden ye xxviii day of Juliiye yher of gode a thousande four hundreth fyfty and fywe yheris. Richard Waus of Many Schir Nicholl Blar persone of Dunottar master Johan ye Haya and Sr. Robert Leis notar public.

[Seal.]

(3)

Charter by William Earl of Erole to his Uncle William Hay of the lands of Ury, etc., dated March 8, 1456-7

Omnibus hanc cartam visuris vel audituris Willielmus Comes de Erole Constabillarius Scotie Dominus de le Haya et Baronie de Colly eternam in Domino salutem. Noueritis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto patruo nostro Willielmo de Haya omnes terras nostras de Ury et molendinum ejusdem cum pertinentiis videlicet Rochtlooke fyndelawistone Balmagcithe Carnetone Glichnoche Munquhoiche Rothuyke Inche Redy Magraa cum molendino de Colly cum pertinentiis una cum quibusdem terris quondam pertinentibus Ymbre jacentibus infra baroniam nostram de Erole et cum annuo redditu de Logy et etiam cum viginti solidis annuatim percipiendibus de duabus Munquhalis pro quibus

inhabitatores dictarum villarum libere molent ad molendinum de Colly soluendo tantam multuram quantum soluerunt tempore confectionis presentis infeodationis et exerciendo se ad reformationem lapidis ligni et aque ad predictum molendinum pertinentium et cum annuo redditu quatuor solidorum de quodam crofto jacente infra villam de Colly quod quidem croftum Thomas Besate quondam de nobis tenuit in feodo jacens in dicta baronia nostra de Colly infra vicecomitatum de Kincardin que quidem terre et annuus redditus predicte cum pertinentiis fuerint dicti patrui nostri antedicti hereditarie et quas quidem terras et annuos redditos predictos idem Willielmus patruus noster non vi aut metu ductus nec errore lapsus set mera et spontanea voluntate sua apud ecclesiam de Crowdane in manus nostras per fustum et baculum sursum reddidit pureque et simpliciter resignavit in presentia subscriptorum videlicet Alexandri de Haya de Dronlaw Alexandri de Haya de Munquhalys Willielmi Rede de Colistowne Alexandri de Setone Dauid de Stratone Andree Childe et Dauid Colyson burgensium burgi de Aberden penultimo die mensis martii anno domini millesimo quadringentesimo quinquagesimo sexto ac totum jus et juris clameum que in dictis terris et annuis redditibus cum pertinentiis habuit vel habere potuit pro se et heredibus suis omnino quitclamavit imperpetuum TENENDAS et habendas totas et integras terras de Ury et annuos redditus predictos cum pertinentiis prefato Willielmo patruo nostro et heredibus suis masclis de corpore suo legitime procreatis et procreandis quibus forsan deficientibus volumus quod dicte terre et annui redditus cum pertinentiis ad nos et heredes nostros legitimos quoscunque libere revertantur de nobis et heredibus nostris in feodo et hereditate imperpetuum ac in warda et relevio de baronia nostra de Erole per omnes rectas metas suas antiquas et diuisas in boscis planis moris maresiis pratis pascuis et pasturis viis semitibus siluis virgultis aquis stagnis et eorum sequelis aucupationibus venationibus piscariis petariis turbariis carbonariis brueriis cum curiis et curiarum exitibus cum eschaetis earundem merchetis mulierum herieldis et bludwetis

molendinis multuris et eorum sequelis ariagiis cariagiis fabriciis brasinis et carnificiis et cum omnibus aliis et singulis libertatibus comoditatibus et aysiamentis ac justis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram tam prope quam procul tam futuris quam presentibus ad dictas terras et annuos redditus cum pertinentiis spectantibus seu quouismodo iuste spectare valentibus in futurum adeo libere et quiete plenarie integre honorifice bene et in pace in omnibus et per omnia sicut dictus Willielmus patruus noster dictas terras et annuos redditus predictos cum pertinentiis liberius quietius plenius honorificentius ante resignationem suam nobis inde facta ut premittitur tenuit aut possedit sine aliqua revocatione reclamatione aut retenimento nostro vel heredum nostrorum seu aliorum quorumcunque nomine nostro vel ex parte nostra inde quouismodo futuris temporibus facienda Saluo seruicio forinsico domini nostri regis quantum ad dictas terras et annuos redditus predictos cum pertinentiis de jure dinoscitur pertinere et reddendo inde etiam predictus Willielmus patruus noster et heredes sui predicti pro predictis terris et annuis redditibus cum pertinentiis nobis et heredibus nostris unam sectam annuatim ad curiam nostram capitalem tenendam apud Erole proximam post festum Pasche tantum pro omni alio servicio seculari exactione seu demanda que de predictis terris et annuis redditibus cum pertinentiis per nos vel heredes nostros aliqualiter in futurum exigi poterunt aut requiri. Et nos vero Willielmus comes antedictus et heredes nostri omnes et singlas terras predictas et annuos redditus predictos cum pertinentiis prefato Willielmo patruo nostro et heredibus suis masclis juxta vim tenorem et effectum presentis carte nostre in omnibus et per omnia ut premittitur per omnes terras nostras baronie nostre de Slanys contra omnes mortales warandisabimus acquietabimus ac fideliter et imperpetuum defendemus. In cuius rei testimonium huic presenti carte nostre Sigillum nostrum apponi fecimus apud Erole octauo die mensis martii anno domini quo supra Testibus honorabilibus et circumspectis viris

Laurencio Oliphant de Abberdalgy Waltero de Haya Magistro Gilberto de Haya fratribus nostris carissimis Gilberto de Munquhorgunt de eodem Alexandro Fraser de Filorthe Alexandro de Haya de Ardendracht Dauid Ogilby et Ricardo Waus de Many armigeris nostris cum multis aliis.

(4)

Procuratory by William Hay of Ury for resigning his lands of Ury in the hands of Nicholas Earl of Erole, dated April 12, 1467

Nobili et potenti domino Nicholaio Comiti de Erole domino le Haya ac Constabilario Scotie necnon domino meo superiori terrarum de Ury et de Hemreis Landis vester humilis servus et tenens Willielmus Haye de Ury cum omni subiectione et servitute Salutem Ad resignandum sursum reddendum ac pure et simpliciter quitclamandum omnes et singulas terras meas de Ury et le Hemreis Landis cum pertinentiis jacentes in baronia de Eroll infra vicecomitatus de Kyncardyn et Perth in manus vestre donationis tanquam in manibus domini mei superioris earundem Ego dictus Willielmus non vi aut metu ductus nec errore lapsus sed mea mera et spontanea voluntate honorabiles viros Allexandrum Haye de Dronlaw Allexandrum Tulideff de eodem Henricum Chene de Essilmunde et Dauit Straton et eorum alterum coniunctim et diuisim meos veros legitimos et indubitatos procuratores irrevocabiles facio constituo et ordino tenore presentium litterarum quas quidam terras cum pertinentiis cum omni jure et clameo que ego vel heredes mei habui habuimus seu habere potuimus de eisdem in manus vestre donationis sursum reddo quitclamo ac pure et simpliciter resigno ita que nec ego nec heredes mei nec aliquis alius nomine nostro aliquod jus vel clameum proprietatem vel possessionem in vel ad dictas terras cum pertinentiis vel ad aliquam partem earundem exigere seu vindicare potero vel poterint in futurum sed ab omni juris titulo tam petitorio quam possessorio dictarum terrarum sim et sint exclusus et

exclusi penitus et omnino ita que vobis liceat de dictis terris disponere ad vestre libitum voluntatis. In cuius rei testimonium sigillum meum presentibus est appensum apud monasterium de Deire duodecimo die mensis Aprilis anno domini millesimo quadringentesimo sexagesimo septimo.

(5)

Charter by Nicholas Earl of Erole to his Uncle Mr. Gilbert Hay of the lands of Ury, dated August 12, 1467

Omnibus hanc cartam visuris vel audituris Nicholaus Comes de Erole dominus le Haya et Constabillarius Scotie Salutem in domino sempiternam. Noueritis nos dedisse et concessisse et hac presenti nostra confirmasse carissimo auunculo nostro magistro Gilberto Haya totas et integras terras nostras de Ury cum suis pertinentiis jacentes in Baronia nostra de Erole infra vicecomitatum de Kyncardin que quidem terre cum suis pertinentiis fuerunt quondam Willelmo Haya de Ury et quas quidem terras cum pertinentiis idem Willelmus non vi aut metu ductus nec errore lapsus neque choactus set sua mera puraque ac propria et spontanea voluntate in manus nostras personaliter in sua propria persona apud burgum de Abirden coram testibus fidedignis et notario publico subscriptis sursum reddidit pureque et simpliciter resignauit ac totum jus et clameum proprietatem et possessionem que uncquam habuit habet seu habere poterit in futurum pro se et heredibus suis quitclamauit imperpetuum per presentes Tenendas et habendas predictas terras de Ury cum suis pertinentiis predicto magistro Gilberto de Haya auunculo nostro et heredibus suis masclis de corpore suo legittime procreatis seu procreandis quibus forte deficientibus nobis et heredibus nostris legitimis quibuscunque de nobis et herdibus nostris in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas in moris et marresiis pratis pascuis et pasturis aucupationibus venationibus et piscariis cum curiis et curiarum exitibus et

eschietis molendinis multuris et eorum sequelis cum petariis turbariis lapide et calce ariagiis cariagiis bondagiis et dictis herezeldis bludwetis et merchetis mulierum et cum omnibus aliis et singulis libertatibus comoditatibus et asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terram quam supra terram tam prope quam procul ad dictas terras cum suis pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum adeo libere quiete plenarie . . . honorifice bene et in pace in omnibus et per omnia sicut prefatus Willelmus de Haya aut sui predecessores dominus de Wry dictas terras cum pertinentiis ante huiusmodi Resignationem de nobis et successoribus nostris tenuerunt et possuerunt sine reuocatione reclamatione aut contradictione nostra seu heredum nostrorum aut assignatorum vel aliorum quorumcunque nomine nostro aut ex parte nostra inde futuris temporibus qualitercunque faciendis. Reseruando liberotenementum dictarum terrarum de Ury cum pertinentiis prefato Willelmo de Haya pro tempore vite sue et faciendo nobis et heredibus nostris seruicium de dictis terris debitum et consuetum tam pro omni alio seruicio seculari exactione seu demanda que de predictis terris cum pertinentiis aliqualiter exigi poterit aut requiri et nos vero prefatus Nicholaus Comes de Erole et heredes nostri et assignati totas et integras nostras predictas de Ury cum suis pertinentiis prefato magistro Gilberto de Haya auunculo nostro et heredibus suis masclis legittime procreatis seu procreandis quibus forte deficientibus quod absit heredibus nostris legitimis quibuscunque et nobis ut premittitur contra omnes mortales warantizabimus acquietabimus et imperpetuum fideliter defendemus In cuius rei testimonium huic presenti carte nostre sigillum nostrum est appensum apud burgum de Abirden xii die mensis Augusti anno domini millesimo quadringentisimo sexagesimo septimo Testibus honorabilibus viris Johanne Ogistoun deputato vicecomitis de Kyncardin Henrico Chene de Essilmonde Alexandro Tulydef de eodem Dauid Stratoun Dauid Coleson Johanne Mayser Thoma Hay burgense de Abirden Dominis Johanne de Letht Roberto

Leis capellanis et notariis publicis et Thoma Letet cum multis aliis.

NYCHOLL ERLL OF ERROLL &c.

(6)

PRECEPT by NICHOLAS EARL OF EROLE for infefting his Uncle Mr. GILBERT HAY in the lands of Ury which had belonged to and been resigned by the deceased WILLIAM HAY, dated August 12, 1467

Nicholaus Comes de Erole Dominus le Haya et Constabillarius Scotie dilectis nostris Jacobo Trayle et Andree Cumming balliuis in hac parte irrevocabiliter constitutis coniunctim et diuisim Salutem Quia dedimus et concessimus dilecto auunculo nostro magistro Gilberto Haya totas et integras terras de Wry cum suis pertinentiis jacentes in baronia nostra de Erole infra vicecomitatum de Kyncardin que quidem terre cum pertinentiis fuerunt quondam Willielmi Haya et quas terras cum suis pertinentiis idem Willielmus non vi aut metu ductus nec errore lapsus set sua mera spontanea voluntate in manus nostras personaliter apud burgum de Abirden sursum reddidit ac pure et simpliciter resignavit prout in carta nostra eidem auunculo nostro desuper confecta plenius continetur Quare vobis precepimus et mandamus quatenus visis presentibus indelate saisinam et possessionem hereditarias dictarum terrarum cum pertinentiis prefato Magistro Gilberto auunculo nostro traditis et deliberitis aut suo certo attornato procuratori seu deputato presentium latori secundum formam et tenorem carte nostre eidem desuper confecte saluo jure cuiuslibet Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim nostram plenariam Committimus potestatem per presentes et in signum saisine et possessionis per vos aut [unum vestrum] traditarum sigillum vestrum in secunda cauda iuxta nostrum sigillum appendatis Datum sub sigillo [nostro apud] Abirden xii die mensis Augusti Anno domini millesimo quadringentesimo sexagesimo septimo.

(7)

MARRIAGE CONTRACT between WILLIAM HAY OF URY and KATHARINE daughter of ARCHIBALD RAIT OF DRUMTOCHTY,[1] dated July 17, 1487

Yis Indentur maid at Aberdene ye xvii day of Julii ye zer of God 1 thousand four hundretht auchty and sevin zers quhilk purports & beris witnes in it self yat it is fullely appuntit & accordit betuix ane Nobile & mychty lord William erle of eroll lord hay & constabile of scotland betterage dunbar ye Relict of umquhil master gilbert hay of ury & William hay sone & appering ayr to ye saids master gilbert & betterage one ye ane part And archebald rate of drumtocty one ye vyr part In maner & forme as eftir follouis yat is to say the said lord sale lauchfully enter ye said William in ye lordschip of ury with ye pertinentis liand in his barounry of erole within ye sheriffdome of kincardin & put him in heretebile state sesin & possessioun of ye hale lordschipe of ury with ye pertinentis quhilk ye said master gilbert josit & breukit And ye said lord eftir the said William's entre in the said lands sale gif ane new infeftment of the said haile lordschip of ury with ye pertinentis quhat tyme his lordschip beis requirit yrto be ye said archibald or his ayrs to be halden of him self & his ayrs in ward & releif exprimand ye pertinentis at lentht with the namys of ye tovnis with myllis multuris & annuellis in ye sikerastwiss can be diuisit but inconuenients And eftir ye said William be enterit in the samen lauchfully [he sal ?] god willing so haf to his wif katherine rate dochter to ye said archibald quhilk mariage he sale fulfile in ye visage of haly kirk lauchfully as effers in ale possibile hast at ye wile of ye said archibald And ye said lord sal causs the said William be lauchfully enterit in ye fee of ye haile lands of Crechmond with yr pertinentis liand within ye sheriffdome of aberden to be haldin of ye king eftir ye tenor of his moder infeftment Resseruand ye fre

[1] Excerpts from a copy of this deed, said to be in the charter room at Slains, are printed in *Antiquities of the Shires of Aberdeen and Banff*, vol. iv. p. 632.

tenement yrof tile hir for al ye dais of hir lywe And for ye fulfilling completing & keping of ye said mariage & al punts befor writtin as said is the said Archebald sale content & pay to ye said lord the some of fywe hundretht marks of usual money of Scotland in maner & forme eftir folloing yat is to say ane hundretht punds incontinent eftir ye said mariage be complet & ane hundretht marks at mertymes nexte eftir folloing the date of yr letters with ye quhilkis ane hundretht marks the said lord sal mak necessar expenss apone the entering of ye said Williame in ye fee of ye said landis of Crechmont with yr pertinentis And sal mak him to be lauchfully enterit in ye samyn in ale possibile hast And ye rest of ye said some of fywe c marks sal remane with ye said Archibald & his ayris ay & to ye tyme the said William be enterit in the fee of the said landis of Crechmond as said is. And eftir his entre yrintil ye said Archebald at ye next terme witsonday or mertymes yreftir sal pay to ye said lord fifty marks & at ye next of ye said tua termes vyr fifty marks & sayfurth at ilkane of ye said tua termes fifty marks ay & quhil ye said some of fywe hundretht marks be fullely content & pait And for ye dispensing with ye said William in his age & entering of him in ye said landis of ury ye ward of ye samyn being unrwne & for ye costis & expenss to be maid apone ye entre of him in fee of ye fornemit landis of Crechmond with yr pertinentis to be haldin of ye king as said is the said William sal content & pay to his said lord the some of four hundretht markis of usual money of Scotland for ye pament of ye quhilk some he sal gif a band under his sele to his said lord yt the lands of Morconuethe tua partis of ye landis of Conlithmoy tua partis of ye Frazrtone with yr pertinentis eftir he be enterit in thair yat thai sal remane with the said lord his ayris or assignez ay & to ye tyme he or thai be pait of ye said some atanys upone ane day and ye said some being pait ye said lord his ayris & assignez sal discherge yame of the said landis with yr pertinentis & he sal gif his obligatioun under his sele yrupone one ye sikerastwiss can be diuisit but inconvenientis Alsua ye saidis lord, betterage & William sal deliuer

ale charteris letters of sesin writis instrumentis & documentis of ye landis of ury forsaid to ye said Archebald in ferme keping, And al evidentis of Crechmont & kilmalamage salbe put in ye handis of William hay of Ardendracht be ye sicht of ye said archibald & his ayris thai havand ye copyis of ye samyn befor tentywe jugis in transumpts alsua ye said William sal gif a letter of balzery of his haile landis of ury with their pertinentis to ye said Archebald & his ayris one ye bestuyss can be diuisit to rayss ye malis of ye samyn & to excress the said office of balzery in ale things ay & to ye tyme the said some off our hundretht marks aucht to ye said lord be haile gatherit to ye Releuing of ye forsaid landis out of ye handis of his lordschipe his ayris or assignez incontinent eftir his entre in the samyr And atour gif ye said William pretendis ony causs of diuorce [1] eftirvart ony maner of way quharthro ye said katherine rate beis not his spouss nor demanyt as his wyff as effers yat ye said William sal pay to ye said Archebald his ayris or assignez ane thousand marks of usual money of scotland for gret somes of money & guids resauit fra tham for ye said mariage & for thar costis skatis & dampnis sustenit yrthrow to be pait within thrie monethis eftir ye said diuorce be pretendit And he sal gif his obligatioun yrapon And gif thar nedis ony pvnt to be reformit ye said lord sal reforme at ye wile of ye said archebald And to the keping & fulfillinge of ale thingis befor exprimit Ilkane of ye said partiis ar oblist & sworne tile vyris ye gret bodely aicht ale fraud & gile avay pute And to ye part of yis indentur Remaining with ye said lord the said lord [*sic*] the said Archebald has affixit his avne proper sele day & place forsaid befor yr witnes William hay of ardendracht gilbert hay of carnmuk master Jhone hay vicar of cluny sir Andro Yrland & Sir Jhone streveling notar. ARCHBALD of Rat of Drumtocte.

[Seal.]

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[1] Divorce *a vinculo* did not exist before the Reformation, so this obviously refers to an action to have the marriage declared null because of the existence of some *impedimentum dirimens*, *e.g.* that the parties were within the forbidden degrees.

(8)

RETOUR of Service of WILLIAM HAY as heir to his father GILBERT HAY in the Lands of Ury, dated August 19, 1487

Hec Inquisitio facta apud Gallowness coram honorabili viro Jacobo Wischeart de Pittarow vicecomite deputato de Kyncardin decimo nono die mensis Augusti anno domini m°cccc° octuagesimo septimo per probos et fideles viros subscriptos viz. Johanem Auchlek de eodem Robertum Arbuthnot de eodem Johanem Allirdis de eodem Johanem Strachauchin de Thornton Laurentum Medilton de eodem Dauit Rait de Drumnager Dauit Strachauchin Georgeum Ramsay de Canterland Johanem Gardin de Drummely Walterum Bissait de Kynneff Andream Strachauchin de Monbodow Stephanum Strachauchin de Dullewarde Archbaldum Rait de Drumtotty Robertum Arbuthnot in [blank] et George Lesly de Pytnamone Qui virtute sui juramenti dicunt quod quondam Gilbertus Hay pater Willielmi Hay latoris presentium obiit ultimus vestitus et sasitus ut de feodo ad pacem et ad fidem Supremi domini nostri Regis de totis et integris terris dominii de Ury cum pertinentiis et de uno annuo redditu viginti solidorum de terris de Munquhalis annuatim levando infra vicecomitatum de Kyncardin et quod prefatus Willielmus est legittimus et propinquior heres eiusdem Gilberti patris sui de dictis terris et annuo redditu cum pertinentiis et quod est legittime etatis et dicte terre cum pertinentiis nunc valent per annum viginti sex libros et tempore pacis valuerunt duodecim libros et quod prefatus annuus redditus valet per annum xx s et tempore pacis tantum et quod antedicte terre tenentur de Comite de Eroll per seruicium Warde et Relevii et prefatus annuus redditus tenetur de antedicto domino Comite de Erol ita libere et quiete sicut aliquis annuus redditus tenetur ac possidetur infra regnum Scotic et quod antedicte terre et annuus redditus nunc existunt in manibus prefati Comitis de Eroll legittime per seipsum per mortem sepedicti Gilberti Hay quondam patris prefati

Willielmi latoris presentium qui obiit a tempore trium annorum vel eocirca et in defectu veri heredis jus suum hereditarium ad dictas terras et annuum redditum cum pertinentiis hucusque persequendum acta et clausa aut sigillo dicti vicecomitis deputati unacum sigillis quorundam proborum virorum qui dicte inquisitioni intererant faciende die mense loco et anno prenominatis.

(9)

Extract decree of Reduction by the Lords of Council of Retour of Elizabeth Hay under the Quarter Seal, dated March 20, 1500

Jacobus Dei gratia Rex Scotorum omnibus probis hominibus suis ad quos presentes littere peruenerint Salutem. Sciatis nos quoddam actum siue decretum per consules nostros inferius discriptos datum et promulgatum utique intellexisse sub hac forma. At Edinburgh the first day of Junii The zere of god a thowsaund foure hundred nynti and thre zeris The lordis of counsale underwrittin that is to say A reverend fader in god William bischop of Aberdene Nobill and mychti lordis Archbald erle of Ergile lorde Campbell and Lorn Johnne lorde Glamys Laurence lorde Oliphaunt William lorde of Sanctjohns Venerabill faderis in god Robert abbot of Kelso James abbote of Scone Maister Alexander Inglis archedene of Sanctandros maister Richarde Murehede dene of Glasgw and Johnne Ogiluy of Fingask, In the actioun and causs persewit be Elizabeth Ogstoun the douchter and are of umquhile Walter Ogstoun of yat Ilk aganis maister Androw Caidzow pretendit Sherif depute of Aberdene for his wranguis and inordinate proceding in ye serving of a breif of inqueist of oure souerane Lordis chapell purchest be Elizabeth Hay be the deceiss of umquhile William Hay of Vry upoun the laundis of Raustoun and Cragy liand within the Sherifdome of Aberdene becauss ye tyme of the serving of the said breves ye said maister Androw pretendit himseff depute to ye sherif of Aberdene how beit he was bot substitute &

depute to Sir Alexander Gordoun of meginer knycht quhilk wes bot depute in ye said office under the maister of crawfurde and mycht nocht mak deputis under him and als in the actioun aganis the said Elizabeth Hay and James Dowglas hie spous for thare interess in ye said mater the said maister Androw beaund personaly present and ye said Elizabeth be hir procuratouris And ye said James Dowglas & Elizabeth his spous lauchfully summound oft tymes callit & nocht comperit because it wes clerely understandin to the lordis yat ye said Sir Alexander Gordoun was depute to ye said maister of crawfurd the tyme of ye serving of the said breve and yat ye said maister Andro was bot substitute to ye said sherif depute and as was grantit be the said maister Androw The lordis Auditouris decretis and deliueris that the said maister Androw has wranguislie procedit in ye serving of ye said breif for the causs foresaid and becauss a depute mycht nocht mak ane vther under him and tharefore decernys & declaris the Retoure sesing & all yat folowit yairupoun of nane avale force nor effect in jugement nor vtouth in tyme tocum. Extractum de libro actorum per me magistrum Johanem Fresale clericum Rotulorum et registri ac concilii supremi domini nostri regis sub meis nomine signo et subscriptione manualibus quodquidem actum siue decretum ac omnia et singula in eodem contenta approbamus ratificamus et per presentes ut premissum est confirmamus Datum sub testimonio magni sigilli nostri Apud Edinburgh vicesimo die mensis martii anno domini millesimo quingentesimo et regni nostri decimotercio.

(10)

Precept by George Earl of Errole for infefting William Hay in the lands of Ury and as heir of his grandfather Andrew Hay of Ury, dated October 18, 1542

Goergevs Comes de Errole Dominus Hay ac Constabularius Scotie &c. dilectis nostris Johani Lindesay Dauidi Moreis

et eorum cuilibet coniunctim et diuisim balliuis nostris in hac parte specialiter constitutis salutem. Quia dedimus et concessimus charissimo filio nostro Johanni Hay et heredibus suis in carta nostra sibi desuper facta specificater hereditarie omnes et singulas terras nostras de nethir Muchallis et ouer Muchallis cum omnibus et singulis suis pertinentiis lie outsettis pendentiis et pendiculis earundem jacentes in baronia nostra de Errole et infra vicecomitatum de Kincardin de nobis et heredibus nostris tallie tenendas prout in dicta carta nostra prenominato Johanni desuper confecta latius continetur Vobis precepimus et mandamus quatenus visis presentibus indilate statim sasinam hereditariam pariter et possessionem corporalem actualem et realem omnium et singularum prefatarum terrarum de nethir Muchallis et ouer Muchallis cum earundem pertinentiis pendiculis pendentiis et lie outsettis earundem prenominato Johanni Hay vel suo certo actornato latori presentium juste deliueretis et haberi faciatis sine dilatione et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim nostram plenariam committimus potestatem In cuius rei testimonium sigillum nostrum una cum subscriptione nostra manuali presentibus est appensum Apud caustrum nostrum de Logyalmonth decimo octauo die mensis septembris anno domini millesimo quingentesimo quadragesimo secundo coram hiis testibus Alexandro Hay de Gurdy Jacobo Fergusoun de Mvlyne magistro Gilberto Chalmer magistro Alexandro Hay Domino Andrea Mathy capellano et magistro Nicholao Robisone notario publico cum multis aliis. Georg erll of eroll.

(11)

Precept of Clare Constat by George Earl of Errole & Andrew Master of Errol & fiar thereof in favour of William Hay as heir of the deceased Andrew Hay his Grandfather, dated June 22, 1555

Andreas magister Errolie ac feoditarius eiusdem dominus superior terrarum subscriptarum dilectis meis Magno

Mowat Petro Duncan ac eorum cuilibet coniunctim et diuisim balliuis meis in hac parte specialiter constitutis salutem. Quia mihi ac nobili et potenti domino charissimoque meo patri Georgio Comiti Errolie ac liberetenementario eiusdem per authentica documenta nobis desuper ostensa clare constat quod quondam Andreas Hay de Vry auus Willielmi Hay nunc de Vry latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad fidem et pacem quondam supremi domini nostri regis Jacobi quinti Scotorum regis bone memorie cuius anime propicietur deus de omnibus et singulis terris de Vry cum molendino earundem Rothelook Fyndlawistoun Balnageth Carntoun Glichnoch Monquhoich Rothnoth Airtherechy Magra cum molendino de Colly cum pertinentiis et cum annuali de Logy ac etiam cum viginti solidis annuatim percipiendis de duabus Mownqualys pro quibus inhabitatores dictarum villarum libere molent ad molendinum de Colly soluendo tantam multuram quantam soluerunt temporibus retroactis et exercendo se ad reformationem lapidis ligni et aque ad predictum molendinum pertinentem et cum annuali quatuor solidorum de quodam crofto jacente infra villam de Colly baroniam eiusdem et vicecomitatum de Kincardin et quod dictus Willielmus Hay de Vry lator presentium est legitimus et propinquior heres eiusdem quondam Andree sui aui de omnibus et singulis terris molendinis et annuis redditibus suprascriptis cum pertinentiis Et quod est legitime etatis et quod dicte terre molendina et annui redditus prescripti cum pertinentiis tenentur de me tanquam domino superiore earundem in capite Vobis igitur et vestrum cuilibet coniunctim et diuisim cum consensu et assensu prefati mei charissimi patris liberetenementarii antedicti precipio et firmiter mando quatenus visis presentibus indilate dicto Willielmo Hay vel suo certo actornato latori presentium statum sasinam hereditariam ac possessionem realem actualem et corporalem omnium et singularum terrarum molendinorum et annuorum reddituum suprascriptorum cum pertinentiis per terre et lapidis fundi earundem ac nonnullorum denariorum ut moris est traditionem secundum tenorem antiqui infeo-

famenti earundem juste haberi faciatis tradatis et deliberetis et hoc nullo modo omittetis Saluo jure cuilibet ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim balliuis meis in hac parte antedictis meam plenariam et irreuocabilem presentium tenore cum consensu dicti mei charissimi patris comitto potestatem In Cuius rei testimonium presentibus manu mea subscriptis sigillum meum proprium est appensum unacum sigillis et subscriptione manuali dicti mei charissimi patris in signum eiusdem consensus ad premissa Apud Eddinburgh xxii die mensis junii anno domini millesimo quingentesimo quinquagesimo quinto Coram hiis testibus Johanne Hay de Park Johanne Storeok seruant to ye master of Erroll & Negello Neilsoun cum diuersis &c. &c

Georg erll of Eroll,
Andro fiar of Erroll.

[Two seals.]

V

WRITS RELATING TO PALDY FAIR [1]

According to the law of Scotland the right of holding fairs or markets, including the powers necessary for holding them peaceably and effectually, belongs to the Crown, and can only pass to the subjects by a grant express or implied. This right was at one time of considerable value in respect of the convenience which the market afforded to the neighbourhood, the concourse of strangers which it induced, and the dues which it yielded. The documents here printed with regard to Paldy Fair throw light not merely on that particular market, but also upon the kind of legal questions that arose with regard to markets generally.

(1)

James be the grace of god king of Scottis To all and sindrie our leigeis and subiectis to quhome it efferis To quhais knowlege thir our lettrez sall cum greiting. ffor-

[1] *Vide ante*, p. 67.

samekle as albeit be diuerz actis of parliament it is statute and ordanit That na maner of personis forstall mercatis vnder the pane of confiscatioun of all thair movabill guidis As in the saidis actis at lenth is contenit Nochtwithstanding as we ar informed thair is ane greit nowmer of personis quha without respect or regard of the saidis actis and to the contempt of ws and ouer auctoritie openlie forstallis the guidis and waris cumand to the fair of pady quhilk is haldin vpoun the thrid and fourt dayis of Julij at Knareis Den [1] sellis and makis mercat of the same guidis afoir thay be presentit to the said fair And very oft settis doun thair mercat in sindrie placis sumtymes ane myle or mair fra the ordinar place of keiping of the said fair Quhairby not only is the derth of all wairis and guidis cumand to the said fair foisterit and raisit bot alsua oure leigis ar maid vncertane quhair the said fair wilbe haldin or keipit Quhairfore we have gevin and grantit And be the tennour heirof gevis and grantis oure full power and commissioun expres biding and charge To oure louit dauid wood of craig quhome we mak our commissioner in that part To serche seik and try quhair ony personis salhappin to forstall the guidis comand to the said mercat And to impede and stay thame thairfra and fra selling of thair guidis or keiping of mercat at ony other part nor at the ordinar and accustumat place of keiping and halding of the said fair The personis dissobeyand or refusand to conforme thame selffis to the directioun of this our commissioun To tak apprehend and ward and to notifie thair names to ws to the effect thay may be persewit and pvnist according to the tennour of oure saidis actis And generalie all and sindrie vther thingis quhilkis may restrane the said vnlauchfull forestalling and establische the said fair at the ordinar place of halding thairof to do and vse quhilkis of law or consuetude of our realme ar knawin to pertene ferme and stable halding and for to hald all and quhatsumeuir thingis salbe lauchfullie done heirin Charge-

[1] Apparently the place which those responsible for the Ordnance Survey Map prefer to call Canary Den.

ing heirfore zow all and sindrie our leigeis and subiectis To reverence acknawledge and obey concur forthir and assist the said dauid in the dew executioun of this our commissioun to do nor attempt nathing for violatioun thairof As zie and ilkane of zow will ansuer to ws [at your] heichest charge and perrell Ordaning and commanding oure officeris of airmes . . . To mak intimatioun and publicatioun be oppin proclamatioun at all placeis neidful that nane pretend ignorance of heirof Gevin vndir our signet and subscrivit with our hand At Hallirud hous the xxviij day of december and of our Regnn the xxxij zere [1599]. James R.

[Endorsed]—
Laird of Craigis commission anent pady fair.

(2)

James be the grace of god King of grete Britanne france and Ireland defender of the faith To oure louitis [ ] messingeris ouir schireffis in that pairt coniunctlie and severlie specialie constitut greiting fforsamekle as it is humelie mennit and schawne to us be our louit mr James wishart of glenferquhare That quhair albeit thair be diuerss actis of parliament maid be ws and our predicessouris of famous memorie aganis foirstallaris and regreitaris of marcattis Notwithstanding it is of treuth that thair ar grete nomberis of personis who without respect or regaird haid be yame to the saidis actis and in plane contempt and misregaird of ws our auctoritie and lawis, foirstallis the goodis and geir comeand yeirlie to pallady fair quhilk is haldin vpon the thrid and fourt dayis of July vpon the said complinaris landis At Knareis dene, sellis and makis markatt of the same goodis afoir they be presentit to the said fair, and verie oft settis doun thair marcat in sindrie placeis somtyme ane myle or mair fra the ordinarie place of keeping ye same fair quhairthrou not onlie is the derth of all goodis comeand to the said fair raisit foisterrit and interteynit but oure leigeis ar put in ane grete vncertantie quhair the said marcatt is keept

Quhairfoir we haif gevin and grantit and be the tennour heirof gevis and grantis our full power and commissioun expresse bidding and charge To the said complinar To search seik and try quhair and be whome the goodis and geir comeand to the said marcatt ar foirstallin And to notifie thair names to oure thesaurir depute To the effect thay may be callit convenit and persewit for regraiting and foirstalling of marcattis as accordis and to do and performe all good officeis quhairby the said fair may be keept and haldin at the ordinarie place of halding zairof fferme and stable halding and for to hald all and quhatsomevir thing salbe lauchfullie done heirin, Oure will is heirfoir and we charge you straitlie and commandis that in continent thir oure lettrez sene ze pas and in oure name and auctoritie mak publicatioun heirof at all placeis neidfull quhairethrough nane pretend ignorance of the same As alsua that ze command and charge all and sindrie oure lieges and subiectis To acknowlege fortifie and assist oure said commissioner in the executioun of our said commissioun, and to do nor attempt no thing to his preiudice As they and ilk ane of thame will ansuer vpoun thair obedience And this our commissioun for the space of thrie yeiris nixt eftir the dait heirof but revocatioun to Indure The quhilk to do we commit to you coniunctlie and seuerlie oure full power be thir our lettrez delyuering the same be zou deulie execute and indorsat agane to the berar Gevin vndir our signet At Edinburgh the xxiij day of Junij and of our Regnn the xij and xlvij yearis 1614.

Ex deliberatione dominorum secreti consilij,
Ja: Prymrois.

[Endorsed]—
Mr. James Wischartis Commisioun
anent Palladie fair, 1614

(3)

James, be the grace of god, king of great Britane, france and Irland, Defender of the faith to our louittis [

] Messingeris, Oure Shreffis in that pairt coniunctlie and severalie, speciallie constitute, greiting. fforsameikill as it is humlie menit and schawin to us be our louittis Schir Alex^{r} falconar of halkertoun, kny^{t}, and Alex^{r} falconar, fear of halkertoun his sone[1]: That quhair, we be our infeftment grantit vnder our gryt seall Off ye dait At Ed^{r}, ye Twentie Ane day of Apryle the zeir of god j^{m} vj^{c} and nyntein zeiris Ratifeit and approveit ye possessioun apprehendit be ye said Schir Alex^{r} and his predecessoris Of ye fair haldin zeirlie vpoun the landis and barony of glenfarquhar beginnand zeirlie ye ffirst day of Julij and sua continewing yairefter to ye sevint day of the samyn moneth inclusive And of ye weiklie mercat on setterday in ye toun of Auchinbley[2] being proper pairtis and pertinentis of ye said barony of glenfarquhar ye tollis and customes perteining to the said zeirlie frie fair and weiklie mercat. Lykeas we gaif, grantit and disponit to ye said Alex^{r} his aires maill specifeit in ye said infeftment full power and libertie to hald and haif in all tyme cuming ye said frie fair zeirlie vpoun ye said barony of glenfarquhar beginnand zeirlie vpoun the said first day of Julij: And sua continewing yairefter to ye said sevint day of the same moneth inclusive: And ye foirsaid weiklie mercat in the said toun of Auchinbley on setterday weiklie and to intromett with, vplift and dispone vpoun All and sindrie customes and tollis perteining to ony vthir frie fair and weiklie mercat of ane frie barony within this our realme. As in the said infeftment of the dait abouewrittin At mair lenth is contenit & be vertew quhairof ye saidis complenaris hes guid and vndowbtit richt in and to ye foirsaidis zeirlie frie fair and weiklie mercat with all tollis and customes perteining and belanging yairto: And to ye effect yat they thair servandis, complices and vthiris in thair names may be the mair thankfullie ansuerit and obeyit of ye tollis and customes of the saidis frie fair and weiklie mercat Necessar it is that publicatioun be maid

[1] Created Lord Falconer of Halkerton, 20th December 1646.
[2] An ancient possession of the Abbey of Arbroath.

of the foirsaid infeftment grantit to ye saidis complenaris be ws of ye samyn zeirlie frie fair and weiklie mercat with the tollis and customes perteining and belonging yairto be thir our lrēs in maner following. Oure Will is heirfoir and we chairge zow straitlie and commandis that incontinent thir owre lrēs sein ze pas to ye mercat croces of our borrowis of [ ] and thair in our name and auctoritie mak publicatioun of ye foirsaid infeftment grantit be ws to ye saidis complenaris of the saidis zeirlie frie fair and weiklie mercat with all tollis and customes perteining and belonging to ony frie fair or weiklie mercat of ony frie barony within our realme And to ye effect yat the saidis complenaris thair servandis and officeris in yair names may be ye better ansuerit, obeyit and payit of ye samyn tollis and customes. To all and sindrie our leiges and vthiris quhome it effeiris to ye effect yat they nor nane of yam pretend ignorance yairof. According to iustice. As ze will ansuer to ws yairvpoun. The quhilk to do we committ to you coniunctlie and severalie Oure full power & be thir our lrēs delyuering thame be zow dewlie execute and indorsat againe to ye beirar. Gevin vnder our signet At Ed^{r}, ye Twentie Third day of Junij And of oure Rignes the ffyftie four and nyntein zeiris, 1621.

Ex deliberatione dominorum consilii,
Franc. Hay.

[Endorsed]—

Publicatioun. Halkertoun elder and zounger of ane fair and weiklie mercat, 23^{d} June, 1621.

(4)

Charles be the grace of god king of Great Britane france and Ireland defender of the faith To our louits [ ] messingers oure schireffs in that part coniunctlie and seueralie specialie constitut greeting. forssamekle as it is humbelie meanit and shawin to us be oure louit Mr Dauid falconnere of Glenfarquhare, advocat [1]

[1] Second son of Sir Alexander Falconer of Halkerton, *vide ante*, p. 66, n. 1.

That where albeit there be diuerse acts of parliament made be oure predecessoris of happie memorie aganis forestallers and regraters of mercats and faires Notwithstanding it is of truthe that there are a great number of persons who without respect or regarde had be thame to the saids acts and in contempt and misregarde of oure auctoritie and lawes forestalls and regraits yeerelie the goods and geire comming and come to Padis faire quhilk halds opon the first secund thrid fourth fyft sixt and sevint dayes of July yeerlie opon the compleanners lands of Glenferquhare at Knareis den, sellis and makes mercat of the saids goods before they be presented in the said faire, and verie oft setts doun thaire mercat in sindrie places sometime ane myle ore more frome the ordinare place of keiping of the said faire Quherethrow not onelie is the dearth of all goods comming to the said faire raised, fostered and interteainned, but our lieges ar putt in great oncertanetie where the said mercat is keeped fore preventing whairof we with advice of the lords of our priuie counsell have givin and grantit and be the tennoure heirof Gives and grants to the said Mr. Dauid falconnere and others to be nominat and appointed be him fore whome he sall be ansuerable full power and commissioun To searche seeke and try where and be whome the goods couming to the said mercat are forestalled and to impede and stay thame therefra and fra selling of thaire goods and keeping of mercat at anie othere part nor at the ordinare place of halding and keeping of the said faire And generallie all and sindrie others things To doe quhilks may restraine the said onlawfull forestalling and establishe the said faire at the ordinarie place thairof and to putt oure acts and lawes made aganis forestallers and regraters to dew execution aganis thame Ferme and stable halding and for to hald all and quhatsomeuere things sall be lawfullie done heerin Oure Will is heirfoir and we charge yow straitlie and commands that incontinent thir our lettres seene yow pas and in oure name and auctoritie make publicatioun heirof at all places neidfull Quherethrow nane pretend ignorance of the same And that you in oure said name and auctoritie

command and charge all oure leiges and subjects To reverence acknowledge obey concurre fortifie and assist the said Mr. Dauid and his foresaids in execution of this our commissioun and to do nore attempt nothing to the hindere nore prejudice thairof as they will ansuere opon the contrairie at thaire perrell This oure commission fore the space of sevin yeeres nixt aftere the date heirof but revocation To indure The quhilk to do we committ to yow conjunctlie and seuerallie oure full powere Be thire oure lettres delivering the same be yow dewlie execute and indorsat agane to the bearere Given vnder oure signet at Edinburghe the twentie day of Junij and of oure raigne the threttene yeere 1637.

Ex deliberatione dominorum secreti consilii,
Ja: Prymrois.

[Endorsed]—

Lettres anent paddeis fair.—M. D. Falconer.

(5)

Upon ye first day of Julij 1 m. 6. & fortie ane yeirs I Johne hamptoune messinger, at command of our souerane Lords vithin writin lettres, past to ye Lands of chapeltoune & Dillivaird Quhaire yar his maiesties Leidges war frequent making mercat, bying & seling hors nout sheipe & vyer commodities and yr efter thrie seuerall oyoz and publict reiding of the vithin writin lettres & commissione, maid dew & lauchfull publication yarof yat neane might pretend Ignorance of the same and siclyke in his maiesties neame & auctoritie I charged all his maiesties Leidges & subjects yar To reuerence acknowledge obey concure fortifie and asist maister Dauid falconer of glenfarquhar aduocat and his foresaids in executione of this his maiesties commissione and to doe nor atempe nothing to the hinderence nor prejudice yarof And this I did conforme To the tennour of the vithin writin lettres in all pointes Beffor yir witnes James mill in middeltoune Johne rose Seruitor to ye Laidy smythtoune John balfour in quhytsauch and alexander

falconer in middeltoune and ffor the maire verification of this my execution my stamp is heirto affixed.

JO. HAMPTOUNE,
messinger.

[Endorsed]—

Execution of the commissione 1641.

Before much time had passed the whole question of Paldy Fair came before the Court of Session. On 25th March, Sir William Douglas of Glenbervie obtained a Crown Charter giving him the right to hold two fairs, one at Drumlithie and the other 'apud Capellaniam de Dulliward,' beginning on 24th June and lasting for eight days. This of course seriously interfered with the prosperity of Paldy Fair, which began on 1st July, and the Laird of Glenfarquhar accordingly took proceedings for his own protection. The case, which is reported by Lord Durie under date 24th June 1642 [M. 4146], has always been regarded as one of importance. The report is as follows :—

(6)

Mr. David Falconer being infeft in the lands of Glenfarquhar, with the privilege of an ancient fair, called *Padie Fair*, from Palladius, holden upon the said lands of —— past memory of man, from the 1st of July to the 7th day thereof, pursues the Laird of Glenbervie, who had acquired from the King a late infeftment, *anno* 1635, of his lands, with the privilege of a fair to be holden on his lands of Dillivard, which lyes within a mile, or less, of the pursuer's lands, whereon his fair holds, to be holden from the 24th of June to the 1st of July yearly, to hear it be found, that the said infeftment ought to be declared null, so far as concerns, or may be extended to the having of any fair on the said lands of Dillivard the time foresaid, as being a privilege privately purchased, and indirectly tending to take away the liberty and privilege of the pursuer's fair, in respect that the pursuer's lands and the defender's, which has the fairs, are not distant from others a mile of ground; and the time of

the holdings is so ewest, without any interval of time, that the defender's fair, (which ends the very day when the pursuer's fair begins,) must necessarily evert all privilege and use of his fair, and prejudge him of all commodity which he can have thereby, and tends manifestly to kindle trouble betwixt the parties, and to disturbe the quietness and peace of the country: Which action being heard in the Lords Presence, and the parties and their advocates being heard to dispute thereupon, they found, That the defender's infeftment ought not to extend to the privilege of a fair, to be holden of such nearness to the said lands, for keeping of the same, within the time contained in his infeftment, which is in such vicinity, and immediately precedes the time of the pursuer's ancient fair; the defender having taken the same to end the same day when the pursuer's fair begins; for however he might take a right from the King of his lands, with the said privilege of a fair, yet that privilege ought not to have been sought, to destroy the effect and use of that ancient fair, granted to, and bruiked immemorially by the pursuer, and his authors and predecessors of before; and therefore they ordained that privilege, so far as concerns that time of the holding thereof, to cease, as impetrate in *aemulationem vicini*; and found, that the said fair might be lawfully impetrated, and may be kept by the defender, upon his said lands, at any time after the end of the pursuer's fair, or at any time before, by the space of a month preceding the pursuer's beginning of his fair; but found, that the defender cannot have any fair before the pursuer's fair begin, except there intervene the space of a month at least free, betwixt the end of the defender's fair, and the beginning of the pursuer's; and the Lords decerned accordingly.

VI

PAPERS RELATING TO THE VALUATION OF KINCARDINESHIRE

From a very early date there have been in Scotland valuations of lands known as Extents and framed as the basis of taxation. Their history is obscure, and what we know about them is due chiefly to the researches of Mr. Thomas Thomson in connection with the election case of Cranstoun *v.* Gibson in 1818. Of his Memorial for the Complainer in that case, Mr. Cosmo Innes says (*Legal Antiquities*, p. 12): 'Mr. Thomson laid before the Court the most learned and accurate history of Scotch taxation that has ever been written.'

One of Mr. Thomson's propositions (p. 100) is: 'That there were ancient valuations or extents of every species of real property in the kingdom;—of the ecclesiastical lands and rents and tithes holden in mortmain by the clergy, whether regular or secular;—of lands holden of the Crown, by lords, barons, and other free vassals in ward or in blench farm;—and of the proper demesnes of the Crown occupied by its thanes, stewarts, chamberlains, or other collectors of the Crown rents according to these extents.'

In another place (p. 95) he points out that 'in 1643 the former system was set aside and another completely different substituted in its stead.' One result of this change, so far as Kincardineshire was concerned, was the framing of a new valuation of the shire, parish by parish, in terms of an Act of the Convention of Estates in 1643. This, which does not appear to have been finally adjusted till 1657, is the first document here printed. The other two documents are, as they bear to be, the Taxt Roll for the year 1669, showing the sums payable by the several lands, and a Retour of the Temporal and Spiritual lands made in the same year and giving practically the same details.

(1)

VALUATION OF THE SHIRE OF KINCARDINE, 1657 [1]

The heretors of the shyre of Kincardyne being frequently conveened att Fordoune the thretteine day of October j m vi c and fiftie sevin yeirs to consult concerneing severall

[1] From copy certified by Walter Lyell and Thomas Lyell, notaries public.

bussines relaitteing to the publick good of the said shyre, and taikeing to thair consideration the great divisiones which had arysen amongst them for want of ane right vnderstandeing, and being desyrous that all annemosities and differences might be removed, and to the effect publick burdens of the shyre may for the tyme to come be setled and imposed in ane equall and impartiall wey vpon the haill rents within the samen, it is thairfor vnanimuslie accordit and aggried vnto, alsweell for the comissioners nominat for the revaluatione as by the vther heretors grieved thairby and dissatisfyed thairwithe, that the persones wnderwrittine, viz. Sir Robert Grahame of Morphie knycht, Allexander Stratoun of that ilk, Thomas Allardes of Thornetoun, Johne Barclay of Johnstoune, and Collonell Harie Barclay of Knox, commissioners for the said waluationes, or any thrie of [1] four of them, taikeing to thair assistance Mr. David Falconer of Glenfarquhar, Johne Grahame of Craigie, Arthoure Stratone of Snadoun, and Mr. Robert Buchan of Portlethan, salbe authorized and impoured, by and withe the consent of the rycht honorabill Collonell William Daniell, Comander in Cheiff of the Inglishe Forces in the northe of Scotland, to call for and examine the wholle rentals of the severall heretors within the said shyre attested vnder thair hands, withe a certificat incaice of concealment and wrong entre, and to ishew furthe publicationes throughe the wholl shyre for that effect; and incaice of the heretors deficiencie thairin to proceid accordeing to the depositione of the tennents and best informatione they can have that they may consult thairvpon, and conforme thairvnto appoynt and determine ane just and impartiall valuatione thairof which sall remane as the only rule and ground of imposeing collecteing and inbringging of the haill publick burdens of the said shyre in tyme cumeing.

Harie Barclay, I.P.C.

Which persones on the vther syd page insert sa impoured haveing in persewance of the trust so granted to

[1] *Sic.*

them caused publicklie requyre the wholl heretors of the shyre for giveing in of thair rentalls as afoirsaid and appoynted severall dyetts for that effect, and hastlie being conveined vpon the tuentie day of November j m vi c and fiftie sevin yeirs, and haveing considerit the rentals swa given in befoir them, togidder withe the depositione of tennents and vther trew informatione, whairwithe they being maturely advysed have with consent befoirnamed walewed and does heirby walew the whole rents of the said shyre belongeing to the severall heretors within the samen in maner followeing to witt.

T. Alardes, I.P.C.

Fettercairne Parishe

Balbegno walewed to ellevin hundrethe ten punds, fyfteine shilleings, four pennies Scotts	1110 15 04
Lairds of Balmaine tuo thousand sex hundrethe threttie thrie pund, sex shilleings, eight pennies	2633 06 08
Lord Ethie four hundrethe sevintie sevin pund, sex shilleings, eight pennies .	0477 06 08
Arnehall fyfteine hundrethe pund . .	1500 00 00
Balfour sex hundrethe fourtie sex punds, sexteine shilleings	0646 16 00
Fettercairne four hundrethe sextie sex pund, sex shilleings, eight pennies . . .	0466 06 08
	6834 11 04
The thendome of Fettercairne walewed to sevintie punds	0070 00 00

Aberluthnott

Fettercairnes wadsett fyve hundrethe eightie eight pund	0588 00 00
Gallowhillocke sextie sex pund, threttein shilleings, four pennyes . . .	0066 13 04

Thornetoun four hundrethe eightie four pund	0484	00	00
Caldhame tuo hundrethe fourtene pund, sex shilleings	0214	6	00
Pitgarvies thrie hundrethe sevintie four pund	0374	00	00
Gooseslie ane hundrethe nyntie eight pund, threttein shilleings, four pennies	0198	13	04
Drumlagar thrie hundrethe sevintie eight pund, sex shilleings, eight pennies	0378	06	08
Kirktounhill four hundrethe fyve pund	0405	00	00
Newtoun thrie hundrethe eighteine pund, ten shilleings	0318	10	00
Balmakewin fyve hundrethe fourtie tuo pund, ellevin shilleings	0542	11	00
Laird Low fourtie nyne pund	0049	00	00
Balmakellie tuelff hundrethe fiftie nyne pund, ellevin shilleings	1259	11	00
Balmalidie tuo hundrethe tuentie tuo pund, ten shilleings	0222	10	00
Hospitall nyntie pund	0090	00	00
Lord Ethie eight hundrethe eightie thrie pund, tuelff shilleings	0883	12	00
	6074	13	04

Eglisgreige

Laird of Morphie sextene hundrethe pund	1600	00	00
Morphie younger nyne hundrethe nyntin pund, ten shillings	0919	10	00
Over Witstoun thrie hundrethe sextie eight pund, fourteen shillings	0368	14	00
Neathir Witstoun thrie hundrethe sevin pund, fyftein shillings	0307	15	00
Lourenstoun ellevin hundrethe threttie three pund, sevinteine shilleings, eight pennies	1133	17	08
Easter Mathers four hundrethe nyntie pund	0490	00	00

Brigtoun four hundrethe sevintie tuo pund, sevin shilleings, eight pennies . .	0472	07	04[1]
Hill of Craigie tuo hundrethe nyntin pund, ten shilleings, eight pennies . . .	0219	10	08
Snadoun ane hundrethe threttie ane pund, sexteine shilleings, eight pennies . .	0131	16	08
Scotistoun ane hundrethe threttie sevin pund, four shilleings	0137	04	00
Kirk-syd ane hundrethe pund . . .	0100	00	00
Over Craigie ane hundrethe sex pund, nynteine shilleings	0106	19	00
Craigie tuo hundrethe eightie nyne pund, thrie shilleings	0289	3	00
	6276	16[2]	04

Morphies fisheings not midled withe heir becaus of the condiscendence which was maid withe the whoall Commissioners at Bervie.

Benholme Parishe

Knoxes four hundrethe fourtie ane pund .	0441	00	00
Neathir Benholme four hundrethe ellevin pund, sexteine shilleings . . .	411	16	00
Stain of Benholme fyve hundrethe sextie eight pund, eight shilleings . . .	0568	08	00
Muiretoune and Arbirnie four hundrethe eight pund, thretteine shilleings . .	0408	13	00
Over Benholme nyne hundrethe threttie four pund, thretteine shilleings, four pennies	0934	13	04
Brothertoun fyve hundrethe sextie fyve pund, sevintein shilleings, eight pennies .	0565	17	08
Ballandroe sex hundrethe fiftie pund, ane s. eight d.	0650	01	08
	3980	09	08

[1] *Sic.* [2] *Sic.*

Convethe Parishe

Lord Halcartoun tuo thousand thrie hundrethe sixtie fyve pund, fyfteine shilleings, eight pennies	2365 15 08
Brountoun tuo hundrethe fiftie thrie pund, thrie s.	0253 03 00
Johnstoun tuo hundrethe nyntie pund .	0290 00 00
Lady of Johnstoun tuo hundrethe eightie tuo pund, sex shilleings, eight pennies .	0282 6 08
Powburne sevin hundrethe tuentie thrie pund, ellevin s.	0723 11 00
Reid-myre ane hundrethe fiftie nyne pund, four shilleings	0159 04 00
Convethe-milne tuo hundrethe tuentie ane punds	0221 00 00
	4295 00 04

Glenbervie

Glenbervie tuo thousand tuo hundrethe sevintie ane pund, sex shilleings, eight pennies	2271 06 08
Neathir Kinmonthe ane hundrethe and fourtie pund	0140 00 00
Lagevin four hundrethe threttie thrie pund, sevin s.	0433 07 00
Diliwaird thrie hundrethe fourtie thrie pund, sex shilleings, eight pennies . .	0343 06 08
Inchbreak ane hundrethe fourtie sevin pund, ten s.	0147 10 00
	3335 10 04

Garvock Parishe

Mill and Athroes thrie hundrethe nyntie four pund, sex shilleing, eight pennies .	0394 06 08
Dava thrie hundrethe threttie sex pund, nyne s., eight d.	0336 09 08

Whytfield ane hundrethe fourtie four pund, tuelff shilleings, four pennies . .	0144 12 04
Tullo ane hundrethe sevintie sevin pund, ane s., 4d.	0177 01 04
Eister Rainshoe fiftie sevin pund, threttein s.	0057 13 00
Weaster Rainshoe ane hundrethe thretteine pund, fyve s., 8d.	0113 05 08
Collardo fourtie thrie pund, ellevin shilleings, eight d.	0043 11 08
Reidfuird tuo hundrethe fiftie four pund, sexteine s.	0254 16 00
Balhaggartie tuo hundrethe pund . .	0200 00 00
Bredistoun thrie hundrethe fiftie four pund, sexteine s.	0354 16 00
Craig ane hundrethe eighteine pund, tuelff shilleings	0118 12 00
Johnstoun ane hundrethe fourtie pund .	0140 00 00
Lady of Johnstoun threttie tuo pund .	0032 00 00
Barnehill ane hundrethe nyntie eight pund	0198 00 00
Henistoun sevintie sex pund, tuelff shilleings	0076 12 00
Smiddiehill sevintie sex pund, tuelff shilleings	0076 12 00
Scheills ane hundrethe tuentie four pund, four shilleings, eight pennies . .	0124 04 08
	2842 13 00

Bervie

Wiscount of Arbuthnott sex hundrethe threttie tuo pund, sex shilleing, eight pennies	0632 06 08
Halgreine sex hundrethe tuentie nyne pund, thretteine shilleings, four pennies . .	0629 13 04
Harvistounes roodes nyntie pund . .	0090 00 00
Peittie four hundrethe thretteine pund, ellevin s.	0413 11 00
Robert Arbuthnott fourtie nyne pund .	0049 00 00

James Nepar his roodes threttie nyne pund	0039 00 00
	1853 11 00

Fordoun Parishe

Phesdow sevin hundrethe punds . .	0700 00 00
Dronomyre sextie sex pund, thretteine s., four d.	0066 13 04
Neathir Craignostoun fyve hundrethe fourteine pund, fourtein shilleings . .	0514 14 00
Wiscount Arbuthnot ane thousand fourteine pund, sevin shilleings	1014 07 00
Kincardine sevin hundrethe sextie sex pund, threitteine shilleings, four pennies .	0766 13 04
Glensawch ane hundrethe fourtie punds .	0140 00 00
Glenfarquhar sex hundrethe threttie nyne punds, thretteine shilleings, four pennies	0639 13 04
Monboddow four hundrethe eighteine punds	0418 00 00
Whytriggs ane hundrethe threttie nyne punds	0139 00 00
Over Craignostoun ane hundrethe thrie punds	0103 00 00
Knockebank and Auchtochter sevintie tuo punds	0072 00 00
Corsbitt fourtie eight pund, sex shilleing, eight d.	0048 06 08
Kair thrie hundrethe sextie sex pund, sex s., 8 d.	0366 06 08
Haill Pittarroe tuo thousand ane hundrethe and eightie pundis	2180 00 00
	7168 14 04

Arbuthnot Parishe

Wiscount Arbuthnott nynteine hundrethe threttie sevin punds	1937 00 00
Pitcarles ane hundrethe eightie pund, sex s., 8 d.	0180 06 08

Lady Morphie sex hundrethe sevintie eight punds, four shilleings . . .	0678 04 00
Allardes sex hundrethe tuentie thrie punds, threttene shilleings, four pennies .	0623 13 04
Kair tuo hundrethe tuentie fyve pund, eight s.	0225 08 00
Caldcoatts ane hundrethe tuentie four punds, thrie shilleings, four pennies .	0124 03 04
	3768 14[1] 04

Kinneff Parishe

Wiscount Arbuthnot fyve hundrethe nyntie sevin punds	0597 00 00
Hirvistoun sex hundrethe fyve pund, thrie shilleings, eight d.	0605 03 08
George Ogilvies Barras four hundrethe sevintie pund, eight shilleings . .	0470 08 00
Whislberrie fyve hundrethe tuentie tuo pund, threttein s., 4 d. . . .	0522 13 04
Eister Barras thrie hundrethe sextie thrie pund, threitteine shilleing, four pennies	0363 13 04
Littill Barras ane hundrethe tuentie thrie pund	0123 00 00
Littill Fiddes ane hundrethe sevinteine pund, tuelff s.	0117 12 00
Largie nyntie fyve pund, sex shilleings, eight pennies	0095 06 08
Fairneshett eight hundrethe thretteine pund, sevintein s., 8 d. . . .	0813 17 08
	3708 14 08

Katerlaine

Katerlaine tuo hundrethe eightie four pund, thrie s., 8 d.	0284 03 04[2]
Hiltoun tuo hundrethe fyfteine punds .	0215 00 00
Kinghornni ane hundrethe pundis . .	0100 00 00
	0599 03 04

[1] *Sic.* [2] *Sic.*

Dunnottar Parishe

Erl Marshall nynteine hundrethe fiftie sevin punds, tuo shilleings	1957 02 00
Lumgar thrie hundrethe fourtie four pund, thretteine s., 4 d.	0344 13 04
Brigfuird ane hundrethe nyntie sex pund, sex s., 8 d.	0196 06 08
Neathir Creigie eightie punds . . .	0080 00 00
Over Creigie threttie nyne punds . .	0039 00 00
Lady Marshall sex hundrethe nyntie ane punds, tuelff shilleings . . .	0691 12 00
Androw Hamptounes wadsett ane hundrethe fiftie sevin pundes . . .	0157 00 00
	3465 14 00

Fetteressoe Parishe

Countes of Marshall ellevin hundrethe fourtie punds	1140 00 00
Wrie, Cowy and Blackhills ellevin hundrethe nyntie punds	1190 00 00
Achquhortes ane hundrethe ten pund, sexteine shilleings	0110 16 00
Logy thrie hundrethe four pund . .	0304 00 00
Reidcloak and Walkmill ane hundrethe fiftie sex pund, sexteine shilleings . .	0156 16 00
Cowtoun thrie hundrethe fiftie tuo pund .	0352 00 00
Kirktoun of Fetteressoe eightie fyve pund, tuelff shilleings, eight pennies . .	0085 12 08
Ferrachie ane hundrethe threttie pund, sex s., 8 d.	0130 06 08
James Andersone ane hundrethe nyntie sex pund	0196 00 00
Finlastoun ane hundrethe threttie pund, sex s., 8 d.	0130 06 08
George Thomsone ane hundrethe threttie ane punds	0131 00 00

George Dawincke ane hundrethe fyfteine pund, thretteine shilleings . . .	0115 13 00
Arduthie ane hundrethe threttie pund, sex s., 08d.	0130 06 00[1]
Muchalles ellevin hundrethe fourtie nyne punds, sevinteine shilleings, eight pennies	1149 17 08
Elsicke ellevin hundrethe eightie eight punds	1188 00 00
Allexander Falconar tuentie tuo pund .	0022 00 00
	6532 15 04

Strachane Parishe

Tilliequhillies wadsett thrie hundrethe fiftie sex pund, fyfteine shilleings . . .	0356 15 00
Spittill Burne and Bridge of Dy sixtie sex pund, thretteine shilleings, four pennies	0066 13 04
Drum eight hundrethe eightie sevin pund, ellevin shilleings, four pennies . .	0887 11 04
Cornett Barhame tuo hundrethe tuentie sevin punds, eight shilleings . . .	0227 08 00
Mr. Andro Cant tuo hundrethe fourtie fyve pund	0245 00 00
Craigmyll tuo hundrethe fourtie fyve pund	0245 00 00
Glendy ane hundrethe punds . . .	0100 00 00
	2128 07 08

Nige Parishe

Pitfodelles sex hundrethe fourtie thrie pund	0643 00 00
Alter sevin hundrethe eightie ane punds, sex shilleings	0781 06 00
George Moriesone sixtie nyne punds .	0069 00 00
Mr. Robert Forbes sixtie nyne punds .	0069 00 00
	1562 06 00

[1] *Sic.*

Neathir Banchrie

Pitfodelles sevin hundrethe tuentie ane punds, sex s.	0721 06 00
Portlethan four hundrethe fyfteine punds .	0415 00 00
Leslie sex hundrethe fiftie nyne punds, sixtein shilleings	0659 16 00
Achquhorties tuo hundrethe sixtie thrie punds, threttein s.	0263 13 00
	2059 15 00

Marie Culter

Pitfodelles ellevin hundrethe and sixtie punds	1160 00 00
Auchlunies tuo hundrethe nyntie ane pund, thretteine shilleings, four pennies . .	0291 13 04
Kincowssie ane hundrethe sevintie four pund, eight shilleings	174 08 00
	1626 01 04

Doores

Lord Fraser tuo thousand tuentie nyne punds, thretteane shilleings, four pennies	2029 13 04
Mr. James Youngsone and James Fraser is tuo hundrethe tuentie sevin pund, eight shilleings	0227 08 00
James Fraser his wadsett of Newtoun is eightie sex pund, fourteine shilleings .	0086 14 00
Bleredryne four hundrethe threttie thrie punds, sex shilleings, eight pennies .	0433 06 08
	2777 02 00

Over Banchrie Parishe

Laird of Leyes ane thousand nyntie ane punds, thrie shilleings, four pennies .	1091 03 04
Mr. Thomas Read ane hundreth sextie thrie punds, eight shilleings . . .	0163 08 00

Glenbuikit four hundrethe nyntie thrie pund	0493	00	00
Craigtoun fiftie nyne punds . . .	0059	00	00
Tilliequhillie tuo hundrethe sex punds .	0206	00	00
Sawchin thrie hundrethe eightie punds .	0380	00	00
Clwny tuo hundrethe tuelff punds . .	0212	00	00
Ramoir tuo hundrethe nyntie nyne punds	0299	00	00
Drum sevin hundrethe nyne punds . .	0709	00	00
Glassell tuo hundrethe punds . . .	0200	00	00
Inchmarlo thrie hundrethe punds . .	0300	00	00
	4112	11	04
Suma totalis sevintie fyve thousand tuo pund, sex shilleings, inde .	75002	06	00

Which befoir writtin waluationes, we vndersubscryvers nominat and appoynted for that effect, accordeing to oure best knowledge and informatione and swa far as oure judgement can lead us, conceave to be the trew and just waluatione of the shyre of Kincardyne; and thairfor withe consent of the rycht honorabill Collonell William Daniell befoir named dooe prefere the samen as the only trew ground and rule conforme quhairvnto the assessment and vther publick burdens of the said shyre are to be imposed and collected in tyme cumeing; as witness oure subscriptiones at Aberluthnott Churche the tuentie day of November the yeir of oure lord j m vi c and fiftie sevin yeirs. Sic subscribitur: Sir Robert Grahame of Morphie Jo: Barclay Harie Barclay Tho: Allardes.

This is the just double of the principall valuation abone writtin coppyed be Thomas Lyell, nottar publick vndersubscryvand, and collationed be him and me Waltir Lyell, also nottar publick undersubscryvand, att Montrose the tuentie sevint day of October the yeir of god i m vi c and thrie scor nyn zeirs.

Ita est Walterus Lyell notarius publicus in premissis requisitus testantibus his meis signo et subscriptione manualibus.

Ita est Thomas Lyell connotarius in premissis requisitus testantibus his meis signo et subscriptione manualibus.

Written on separate piece of paper :—Valuationes of the shyre of Kincardine as they were revalued at Montrose in anno 1657.

(2)

TAXT ROLL OF THE SHERIFFDOM OF KINCARDINE [1]

THE TAXT ROLL OF THE SCHIREFDOM OF KINCARDINE

	li	s.	d.	
The lands of Drum and Bandarrow .	02	00	00	land
The lands of Leyis	10	00	00	
The baronie of Straithauchin and Colpesso	20	00	00	
The lands of Durris	10	00	00	
The lands of Essintullie-rigs . . .	02	00	00	
The baronie of Findoun	08	00	00	
The baronie of Couy	20	00	00	
The baronie of Fetteresso	20	00	00	
The baronie of Vras	10	00	00	
The baronie of Dunnotter . . .	05	00	00	
The lands of Hiltoune of Lumgair . .	05	00	00	
The baronie of Glenbervie . . .	20	00	00	
The baronie of Barras	05	00	00	
The lands of Arbedie and Inchmarlow .	02	00	00	
The lands of Hervistoune . . .	02	00	00	
The lands of Eister Kinneff . . .	04	00	00	
The lands of Litle Fides, Beates land and Largie	01	00	00	
The lands of Slanes and Falsyd . .	01	00	00	
The baronie of Pitcarie	05	00	00	
The baronie of Allards	10	00	00	
The baronie of Arbuthnet . . .	20	00	00	
Nyn parts of Innerbervie holdin of His Majestie	03	00	00	
The baronie of Benholm . . .	10	00	00	
The lands of Ballandro	05	00	00	
The barony of Lawreistoune . . .	10	00	00	

[1] From copy: no year given, but there is written on the margin, 'Extractit 20 December 1669.'

	li	s.	d.	
The lands of Jaksone and Skadokmure .	02	00	00	land
The lands of Cregie	06	00	00	
The lands of Verbertoune . . .	04	00	00	
The lands of Canterland and Cumestoune	05	00	00	
The lands of Morphie Mekill . . .	10	00	00	
The lands of Morphie Fraser . . .	05	00	00	
The lands of Haltoune and Balmaldies .	05	00	00	
The baronie of Barnes	15	00	00	
The baronie of Balmayne . . .	10	00	00	
The lands of Nather Craignestoune and Odmistoun	02	00	00	
The lands of Glensauch	02	00	00	
The lands of Drumdoklie . . .	02	00	00	
The baronie of Mondynies . . .	10	00	00	
The baronie of Caringtoune . . .	05	00	00	
The lands of Coulie	02	00	00	
The lands of Midletoune and Halcartoune	12	00	00	
The lands of Whytregs and Reidmyre .	02	00	00	
The lands of Thorntoune . . .	06	00	00	
The lands of Eister Straith callit Little Strath	01	00	00	
The lands of Pittarroow . . .	03	00	00	
The lands of Portertoune . . .	01	00	00	
The lands of Drumnager . . .	02	00	00	
The lands of Abirny pertaineing to Lawristoune and Monboddo respective, 2 li land	02	00	00	
The baronie of Garvok	20	00	00	
The lands of Waster Kinneff . . .	03	00	00	
The lands of Tillebox	04	00	00	
The lands of Newdosk	02	00	00	
The lands of Eglismaldie . . .	03	00	00	
The lands of Disclune	03	00	00	
The lands of Diledeis	03	00	00	
The lands of Wittons and Balfour . .	03	00	00	
The lands of Over Craignestoune and Drumaldae	02	00	00	
The kings propertie lyand within the thayndome of Fettercairne . . .				

	li	s.	d.	
The 5 li. land pertaineing to the Laird of Thorntoun	05	00	00	land
The lands pertaining to the Laird of Balbigno	08	00	00	
The lands pertaineing to Lindsay of Bordland	02	00	00	
Summa	382	00	00	

FOLLOWIS THE TAXT ROLL OF THE KIRKLANDS WITHIN THE SAID SCHIREFDOM

The barony of Scottoune and Powburne	06	00	00
The lands of Reidhall pertaineing to the Laird of Pittarro and Mondboddo respective	03	00	00
The lands of Blairkinsheills	01	00	00
The lands of Kirktoune of Fettercairne	03	00	00
The lands of Banchrie Trinitie pertaining to the archbishop of St. Androis	03	00	00
The barony of Newlands	10	00	00
The barony of Torrie	04	00	00
The lands of Mig[1] called Kirkhill	02	13	04
The barony of Mary Culter pertaineing to the Lord St. John	06	00	00
The landis of Kirkland of Duris	00	05	00
The lands of Banchrie Trinitie pertaineing to Arbroth	04	00	00
The kirklands of Strauchauchin	01	00	00
The lands of Logietoune	01	00	00
The kirklands of Kinneff	01	00	00
The kirklands of Feteresso	00	06	08
The lands of Kingarn pertaining to the Bishop of Brechin	00	10	00[2]
The barony of Whitsom pertaineing to the Abay of Lindors	05	00	00

[1] *Sic* ; *lege* Nig.

[2] MS. torn.

The lands of Chapeltoune and Kirksyd .	01 00 00
The kirklands of Aberlethnot with the milne	03 00 00
The lands of Spittell	01 00 00
The lands of Newdosk and Banherie pertaineing to the archbishop of St. Androis	01 16 08
The lands of Blaycokmure pertaineing to John Moncurr of Slaines hauldin of the archbishop of St. Androis . . .	01 16 08
The lands of Haddo pertaineing to the pryor of St. Androis	00 06 08
The kirklands of Arbuthnet	00 10 00
The lands of Drumlethie	02 00 00
The lands of Glensauch alias Freirsglen .	00 05 00
The lands of Banchrie Dewnie pertaining to the Bishop of Aberdeen . . .	00 05 00
The lands of Innerbervie pertaining to the Carmelit Friers	01 06 08
The kirklands of St. Martine . . .	00 05 00

Sic subscribitur, Mr. John Foullertoune, Clericus.

A. Ogiluie.

Written on separate piece of paper :—The landes of Nethair Craignestoun and Odmistoun being stented in the Retoure Rolls to ane tuo pund land quhairof Craignestoune is to pay for . . of Retoure both in present and past taxationes :	01 15 00
And the landes of Odmistoune to pay as retoured ane fyve shilling of the forsaid tuo pund land, inde	00 05 00
	02 00 00

A. Melville.

(3)

RETOUR OF THE TEMPORAL AND SPIRITUAL LANDS WITHIN THE SHERIFFDOM OF KINCARDINE, 1669 [1]

THE RETOUR OF THE TEMPORALL LANDIS WITHIN THE SCHIREFDOME OF KINCARDINE

The Landis of park of Drum and bandarro .	ij li
The barrony of Leyis	x li
The barrony of Strachane and Culperso . .	xx li
The barrony of Dures	x li
The Landis of Esintullies	ij li
The barrony of ffindone and portlethine . .	viij li
The barrony of Cowie	xx li
The barrony of ffetteresso	xx li
The barrony of wrae	x li
The barrony of Dunotter	v li
Hiltoun and Longare	v li
The barrony of glenbervie	xxij li
The barrony of barras	v li
Harveistoun	ij li
Easter Kinneff	v li
The landis of Litle Futhes, Beatties landis and Largie	j li
The barrony of pitcarrie	v li
The barrony of alairdes	x li
The barrony of Arbuthnot	xx li
The nyne pairtis of Innerbervie haldin of His Maiestie	iij li
The barrony of benholme	x li
Slaines, Falsyd and Breckis	i li
Balandrow	v li
The barrony of Lowrandstoun	x li
The Landis of Jackstoun and skadockmuir .	ij li
The Landis of creagie	vj li
The Landis of wardroptoun	iiij li

[1] From uncertified copy.

Canter Land and Cumingstoun	v li
The Landis of morphie meikle	x li
The Landis of morphie fraser	v li
The Landis of haltoun and balmalidie	v li
The barrony of barres	xv li
The barrony of balmaine	x li
The Landis of nether craignestoun and edmanstoune	ij li
The Landis of glensauche	ij li
The Landis of Drumtochtie	ij li
The barrony of Mandynes	x li
The barrony of Cairntoun	v li
The Landis of Cullie	ij li
The barrony of Middiltoun	vj li
The barrony of halkartoun	vj li
The Landis of quhytrigis	ij li
The barrony of thorntoun	vj li
The Landis of Litle strathe	j li
The barrony of pittarro	iij li
The Landis of drumnager	ij li
The Landis of arbirnie perteinand to Lowrandstoun and monboddow respective	ij li
The barrony of garvok	xx li
The Landis of wester Kinneff	iij li
The barrony of Tulliboy	iiij li
The Landis of newdosk	ij li
The Landis of Inglismaldie	iij li
The barrony of Disclunie	iij li
The barrony of Dilladies	iij li
The Landis of Wittonnes and balfour	iij li
The Landis of overcraignestoun and Drummelie	ij li
The landis within the theandome of Fettercairne and aberluthnet the Landis perteinand to Walter Wood of Balbegnoth	viij li
The Landis perteinand to the Laird thorntoun	v li
The Landis perteinand to brodland	ij li

The Retour of the Spirituall Landis within the schireffdoome of Kincardine

The barrony of Scotistoun and powburne . . vj li
The Landis of Readhall perteinand to pittarro and Monboddo respective . . . . iij li
The Landis of clachinscheallis . . . . j li
The Landis of Kirktoun of fettercairne . . iij li
The Landis of banchorie Devinick . . . iij li
The barrony of Newlandis . . . . x li
The barrony of Torrie . . . . . iiij li
The Landis of Nig callit Kirkhill . . xiij s. iiij d.
The barrony of Marieculter perteinand to my Lord of St. Johne . . . . . vj li
The Kirkland of Duiris . . . . . v s.
The Landis of banchorie tarntie perteinand to the abacie of aberbrothock . . . . iiij li
The Landis of banchorie tarntie perteinand to the Archbischope of St. androwes . . . iij li
The Kirklandis of Strachane callit Kirk Daviot . j li
The landis of Logie Covy . . . . j li
The landis of the Kirktoun of Fetteresso . vj s. viij d.
The Landis of Kirktoun of Kinneff . . . j li
The Landis of K[i]ngornie [pert]einand to the bischope of brecheine . . . . . x s.
The barrony of woodstoun perteinand to the abote of Lindoris . . . . . v li
The Landis of chappiltoun and Kirksyd . . j li
The Kirklandis of aberluthnot with the milne of the sameine . . . . . iij li
The landis of Hospitall . . . . . j li
The Landis of newdosk and banchorie perteinand to the bischoprick of St. androwes . xxvj s. viij d.
The Landis of blecockmuir perteinand to John mancur of Slaines of the said bischoprick of St. androwes . . . . . xxvj s. viij d.
The Landis of haddo perteineand to the priorie of St. androwes . . . . . vj s. viij d.
The Kirklandis of aberluthnot . . . . x s.

The Landis of Drumleithie . . . . ij li
The Landis of glensauch alias friers glen . . v s.
The Kirklandis of St. mairteinis Kirk . . v s.
The Landis of banchorie Devinick perteinand to the Bischoprick of aberdeine . . . v s.

VII

PAPERS RELATING TO WILLIAM RAIT OF HALLGREEN

William Rait of Hallgreen (*ante*, p. 87) had got himself into financial difficulties. His creditors were pressing him, and he was in danger of imprisonment, against which he unsuccessfully sought what was technically known as a protection. What followed is thus noted by Lord Fountainhall (*Decisions*, vol. i. p. 734), under date 18th November 1696: 'The Lords gave a warrant to apprehend William Rait of Halgreen and one Crokat for sending a minatory letter to Lord Whitelaw[1] upon an apprehension that he had opposed a protection he was seeking. They sent one of their Macers to put it into execution, with an order to the Sheriff of Kincarden and his deputes to assist him, and further got a warrant from the Commander-in-Chief of the Forces to the nearest garrisons and regiments lying thereabout, to give their concurrence in securing their persons and bringing them to the Edinburgh Tolbooth, for the Lords thought the honour of the Judicatory concerned that they be not threatened for their steady and equal administration of justice in their office conform to their oaths: and the assassination committed on Sir George Lockhart[2] was an instance to prevent such attempts in time coming.'

On 27th February 1697, he proceeds, 'The Laird of Halgreen, mentioned 18th November 1696, and Mr. Andrew Darling had petitions craving to be set at liberty upon acknowledgment of

[1] Sir William Hamilton of Whitelaw, an Ordinary Lord of Session 1693, Lord Justice-Clerk 1704. 'Betwixt man and man wherein he had no particular concern he was just, but extremely partial where his friend or his own politics interfered. He has a sound solid judgment, but all his actions were accompanied with so much pride, vanity, ill-nature and severity, that he was odious to everybody' (*Lockhart Papers*, i. 107).

[2] Sir George Lockhart of Carnwath, Lord President of the Court of Session, was shot by Chiesley of Dalry on 31st March 1689.

their offences in what terms the Lords should prescribe. But many of the Lords thinking fit they should find caution for their good deportment in time coming, it was delayed in regard they were not able to get such caution at this time.'

Some time having elapsed, Hallgreen sent a petition, apparently to the Lord Chancellor, Lord Polwarth—created Earl of Marchmont in April 1697—and as no quorum could be got for its consideration, he sent another praying for some mitigation of his imprisonment. These petitions are as follows:

(1)

My Lord,—I have troubled your Lo^{p} several times with my hard circumstances, and being abruptlie brought frome home I am in greater straits then is fit to mention I have enclosed the interloquiter which noe body will be caution in, unles it be explained unto whom I am to keep the peace, for as it is worded if any body should offer me ane affront, if I recented it, or in passion should strike a servant my cautioner might be found lyable as they say; But for wronging my Lord Whitelaw or any of the Lords; my ffreinds are willing to fulfill the whole heads of the interloquiter, and I declare upon the word of a gentleman that I had never any evill designe against my Lord Whitelaw, nor will it ever be found, that I or any of my predecessors was guilty of any base deed but on the contrary my grandfather was fined in three hundred pound sterline in Midleton's parliament, and payed it which is notourlie known, And I know that your Lo^{p} has more goodness and generosity then to suffer me and my ffamilie to be ruined being now detained this four moneths upon a frivolous mistake, I was advised by some to represent it above, but having evidence of your Lo^{ps} Kindnes, I will doe nothing unacquainting you, soe I humblie entreat that your Lo^{p} would order a quorum of the Lords to meet, and explaine the interloquitour and accept of the caution offered, and order my liberation and I assure your Lo^{p} that I shall doe nothing without your commands, which shall be punctuallie obeyed by, My Lord, Your Lo^{ps} most obedient humble servant, W. Raitt of Halgrein.

(2)

Unto the Right Honourable my Lord High Chancelour and the remanent Lordis of his māties most Honourable secret Counsell,

The Humble suplication of William Rait of Halgreen prisoner in the Tolbooth of Edr,

Humblie sheweth :—

That whereas I have now been these five moneths in prison, which hath occasioned a great indisposition of my body through the want of the free and fresh air as doctour Trotter and all within the Tolbooth can testifie, and having made severall applications and proferred all satisfaction lying within the compass of my power as severall of the members of this most honourable judicatory knowes, But was still postponed for want of a quorum, And now my life being in Hazard,

May it therfor please your Lops to take my circumstances to your serious consideration, And order my liberty upon any termes that is within the compass of my power to think fitt to grant, or otherwayes to grant warrand to the master of the Tolbooth to goe out with a keeper to get the fresh air, upon my finding sufficient caution not to escape, and to returne to the Tolbooth at night. And your petitioner shall ever pray &c. W. Raitt of Halgrein.

Nothing, however, seems to have been done, and a third application was made which was thus dealt with by the Privy Council :

(3)

6 *October* 1697

Anent the petitione given in to the Lords of his majesties privie counsell at the instance of William Raite of Hallgrein shewing that wheras the petitioner has bein these ten moneths in prisone to the great prejudice of his health soe that he was near to the gaitts of Death as also his circumstances are very hard for ther is a factor putt upon

his estate by a false representatione and he being in firmance had no opportunitie to ansuer for himself and likewayes his wife[1] hes possest herself this seven yeirs of the lands of Angus as also his outsight and insight planishing to a considerable value The petitioner hes not soe much as gotten one groat soe that he must of necessitie starve and die in miserie therfor he is alreadie a great daill adebted to the people of the tollbuith for his mentainence as also all his cloathes and furniture are worne out by soe long track of imprisonement and seing the fault the petitioner is imprisoned for are nether capitall nor criminall neither did he ever in the least either speake or act against the present government of either church or state the veritie of all which he hes sett downe is knowen to severall at the Counsell table and therfore humbly craveing ther Lordships conforme to ther laudable custome in such caises to grant warrand to the maister of the tolbuith to grant the petitioner libertie to goe out with a keeper to gett the air for his healths sake as also that ther Lordships would order a competent soume of money to be payed out of his own estate and out of what is possest by his wife for payment of what the petitioner is adebted in the tolbuith and for his own mentainence and all things neidfull as ther Lordships in ther wisedome thinks fitt for the petitioner cannot expect any hearing till the Sessione sitt downe and if he gett not some present remedie and releiff from ther Lordships he must of necessitie perrish hopeing ther Lordships will take the premiss to ther sereows consideratione As the said petitione bears which petitione haveing upon the eight of September last bypast bein read in presence of the saids Lords of his majesties privie cownsell They as to the petitioners imprisonment Remitted the same to the Lords of Sessione by whose order he is imprisoned and as to the other point of money and mentaineance they named and appointed a comitie of ther own number to call for and convein the creditors of the estate of Hallgrein and Halgreins Lady and to deall with them and endeavoure by ther consent to modifie ane certaine soume for the

[1] She was Helen Crichton.

petitioners aliment and subsistance dureing his imprisonment And in the mean tyme allowed the creditors to sie and answer which comitie haveing accordinglie mett and haveing called for John Strachan wryter who acts for some of Hallgreins creditors to witt the Laird of Grant and haveing taken Hallgreins oath who acknowledged that he gave Commissione to Charles Straitone his brother in law to uplift some of his rents But that it was befor a factor was appointed be the Lords of Sessione and that he receaved non of it But about ane hundereth pund Sterline which was for rents preceeding j^{m} vj^{c} & nyntie six And the Comitie haveing considered Hallgreins oath made ther report to the Counsell that Hallgreine should have modified to him five hundereth merks which the said John Strachan consents to or is not averse from as aliment to him intill the process of Sale of his Lands shall come to a close And that the Lands shall be sold and that Letters be Direct heiron against the tenents and possessors of the Lands whose names and rents are to be particularlie condescended upon in the horning and others upon fiftein dayes Whilk report with Halgreins oath being this day red in presence of the saids Lords of his majesties privie counsell They approved therof and inter-poned ther awthoritie thereto And ordaines the tennents present possessors of Hallgreins Lands instantlie to make payment to him of the Sowme of five hundereth merks for his aliment intill the forsaid process of Sale come to a close and his Lands be sold And ordaines Letters to be direct heiron as is contained in the above report.

The tenants, feeling themselves aggrieved by the order made on them for payment of an allowance, took steps for its suspension, and in this they were successful:

(4)

21 *December* 1697

Anent the bill of suspensione presented to the Lords of his majesties privie counsell be Robert Hamptowne in the Maines of Hallgrein Agnes Hendersone in Gowrdoun James Dickie ther Thomas Folly in Hillsyde Andrew Stevensone

and John Watt ther and others the tennents of Hallgrein shewing that wher they are lately charged be vertue of Letters of horning raised at the instance of George Drumond keeper of the tollbooth of Edinburgh (assigney efter specifeit) by ane pretended act of ther Lordships of the date the sixth day of October last bypast modifieing the soume of five hundereth merks to be payed to William Rait of Hallgrein for his aliment and contained in ane pretended assignatione made and granted be the said William Rait of Hallgrein to the said George Drumond of the date the threttein day of the said moneth of October last bypast to make payment to the said George Drumond of the said soume of five hundereth merks in maner following viz. the said Robert Hamptowne of the soume of ane hundered punds the said Agnes Hendersone sixtie six [punds] threttein shilling four pennies the said James Dickie seventie punds the said Thomas Folly threttie punds the said Andrew Stevensone fourtie punds and the said John Watt twentie six pund threttein shilling four pennies And that within ane certaine short space under the paine of rebellione and putting of them to the horne most wrongouselie and wnjustlie considering it is of veritie that they cannot make payment of the foirsaids soumes charged for, for the reasones and causses following—First because neither they nor any of the creditors of Hallgrein were cited to the modifieing of the foirsaid aliment But upon applicatione to ther Lordships be ane bill given in be the said William Rait of Hallgrein without any citatione given therupon to them or any of the creditors the said William Rait obtained ane act in his favoures Whereas if the petitioners or the creditors of Hallgrein had bein summoned they would have compeared and alleadged lykeas they now alleadge that ther could be no aliment modified to the said William Rait in soe far as the creditors of Hallgrein are in the actwall possessione of the lands of Hallgrein by reall rights and ane factor setled be the Lords of Sessione for uplifting of the rents therof for the behove of the creditors and so this being the propertie of the creditors no pairt therof could be given off to Hallgrein for aliment

especiallie considering that Hallgrein was imprisoned for his misdemainers towards The Lords of Sessione and not at the instance of the creditors and secundo the said William Rait of Hallgrein his Lady haveing gott the gift of her husbands estate and preferred to all her husbands creditors quoad fiftein chalders of victwall and wherof she is in peaceable possessione she owght out of this to aliment her own husband especiallie seing that this propperly belongs to the creditors Tertio that William Rait of Hallgrein haveing ravished and taken from the tennents by violence the rents of Hallgrein of the cropts j^{m} vi^{c} & nyntie four j^{m} vi^{c} & nyntie five and j^{m} vi^{c} & nyntie six albeit ther was ane factor setled be the Lords of Sessione for uplifting therof to the behove of the creditors the which is offered positively to be proven by the tenents or otherwise that he or some in his name did the same so that these rents were ane sufficient fond to have alimented ane sober gentleman for many yeirs and which he spend in a verie short tyme and its hoped in justice he will not be indulged to have any share in this yeirs rent Qwarto esto ther were any aliment dwe by the creditors as is mordicus contended ther is not yet the petitioners the foirsaids tennents cannot be lyable for payment of what they are charged for till the same be dwe and ita est ther rents are not payable till Candlemise and Whitsonday next and yet they are charged instantly to make payment therof as is cleare by the charges therwith produced to ther Lordships and if they are thus wrongouselie charged instantlie to make payment therof as is cleare befor the termes of payment soe they are exorbitantlie charged for greater soumes then they pay and for money rent wheras most of them pay only victwall from all which it is obviows to ther Lordships how wrongousely they are charged all which pleads for ane suspensione from ther Lordships and nevertheles for obedience they are content to find and become cautioners for ilk one another that they shall make payment of the foirsaids soumes charged for in caise it be fownd by ther Lordships that they owght soe to doe And therfor etc. beseeching ther Lordships that they may

have Letters to sumond the saids George Drumond and William Rait personallie etc. to compear befor ther Lordships at ane certaine day bringing with them the foirsaid pretended Letters and charges and executiones of the same and haill grownds and warrands therof to be sein and considered by ther Lordships and to hear and sie the samen suspended and to suspend and discharge in commwni forma As the bill of suspensione at more lenth bears Which bill of suspensione being this day called in presence of the Lords of his majesties privie counsell and the suspenders compeareing be Mr. Francis Grant advocat who compeared also for the creditors of Hallgrein And the Laird of Hallgreine and his assigney chargers compearing be Mr. Roddrick Mckeinzie Junior ther advocat Bothe pairties lawiers being fullie heard the saids Lords of his majesties privie counsell sustains the reasones of suspensione and have suspended and heirby suspends the saids Letters and charges raised and execute at the chargers instance against the saids suspenders simpliciter against the saids chargers in all tyme comeing.

William Rait died in February 1698, and was succeeded by his son James, who married Isobel, daughter of Robert Douglas of Bridgeford.

VIII

MISCELLANEOUS PAPERS RELATING TO THE MEARNS

Out of a number of miscellaneous papers in Sir William Fraser's Collection, the following have been selected as possessing some special interest of one kind or another:

(1)

LETTER from the Baillies and Council of Montrose anent the Hospital,[1] 22 July 1590

Rycht traist freind efter o^{r} hairtlie commendatioun haweing ressauit yor lrē dessyring us to sendour to yow the

[1] Little seems known about the early history of the Hospital beyond what is contained in Abbot Panter's Foundation Charter and the Act of Parliament

auldest euident that we hawe upoun ye fundatioun of ye hospitall Ye sall wit that we hawe nane aulder nor ye hawe alreddie qlk is Mr Petrie Panteris fundatioun Ye knaw that it wes ane hospitall Lang befoir ye said Mr Petrie Panteris dayis and wes grettumlie hurt be his predicessor callit Red as ane visitatioun yairof maid be Mr Richart Guthrie sūtyme abbot of Arbrothok and generall visitour of ye haill hospitallis of Scotland will testifie[1] So alsua ye paipis [lead][2] Buill maid to ye saidis Mr Petrie Panter will declair That it wes ane fundatioun and almonshous for lipper folkis gif yat may serue zow we sall send it to zow. Reid ye fourtie aucht act of parliament of King James ye therd and yair ze sall find ye said Mr Richart guthrieis power giffin to him for visiting of ye haill hospitallis and gif his saidis visitatioun may mak ony thing for zow we sall do gud will to get ye same for as we belleif it is in ye handis of Mr Androw Mylle minister Doutles ye anuelrent yat we clame fra ye laird of Ballandro[3] appertenit to ye said hospitall lang of befoir ye dayis of ye said Mr Patrie Panter Albeit that we have na writtis of befoir his dayis. For as ze knaw at ye doune casting of the freiris They war spoylzeit of yair haill writtis and ye

confirming it and the changes which he made (*vide* Thomson's *Acts*, ii. 389, and *Reg. Mag. Sig.*, 14th November 1516). Though it has been ignorantly called a monastery, it was truly a hospital—as this letter says, for lipper folk—and is so styled in a charter of Hugo Malherbe, *circa* 1245 (*Regist. Vetus de Aberbrothoc*, p. 337). And among its other possessions were the lands of Spittaleschelis.

Its possessions, as the letter says, were dilapidated by various masters, and notably by one Andrew Reid who was master in 1492 (*R.M.S.*, 8th October 1492). Several writs relating to the Hospital and its possessions were found by General Hutton in the Archives of Montrose. From an early date there was a Dominican Friary in Montrose (*vide Exchequer Rolls*, iii. 478), and Abbot Panter's scheme was to amalgamate the two Foundations and remove the Dominicans to the Hospital. They did not, however, like their new residence and, on the ground that their devotions were disturbed by its proximity to the public road, were allowed to return to their old home (*vide* Thomson's *Acts*, ii. 395, and *R.M.S.*, 11th November 1537).

[1] The Reformation of Hospitals was the object of an Act of 1466 (Thomson's *Acts*, ii. p. 86), and in 1469 it was re-enacted, and Mr. Richard Guthrie, 'principal confessoure to the king and generale elemosinar,' was appointed to carry it into execution (*ibid.*, p. 87). He was Abbot of Arbroath.

[2] Papal sanction had to be obtained to the transaction.

[3] In Kincardineshire, near Johnshaven (*vide ante*, p. 90).

saidis writis war sū of yame distroyit and uther sū caryit heir & yair q^{r}of yair can na certaintie be had. Awayis we belleif that for y^{t} caus ye lordis suld gif ye better credit to ye said Mr Petrie Panteris fundatioun and for probatioun of ye saidis fundatioun ze may offer in the townis name to prove possessioun of ye saidis anuell contenit in ye foirsaid fundatioun Be poynding y^{r}foir and payment maid be sū of ye Laird of ballandrois predecessors. Sua we belleif it sall be fund sufficient befoir ye lordis ye saidis tua concurant & togidder to wit ye said Mr Petrie Panteris auld fundatioun & possessioun be paymēt and poinding as said is albeit we can not fullelie preue ye haill quantitie contenit in ye said fundatioun and q^{r} it is allegit be ballandro That he hes ane fre infeftment of King James ye foird in the zeir of god 1m vc & tua zeiris for seruice and dewitie usit & wount We belleif yat that will not cut away o^{r} fundatioun of ye saids anuelrent not withstanding ye samen be not resseruit in his infeftmēt ffor as ye know it is ye dayle custum yat ane may gif anuell out of his landis and his heir or successor may cū y^{r}efter and tak his possessioun and mak na resseruatioun nor mētioun of y^{r} anuell giffin be his predicessor Ye sall ressaue ane commissioun to convene with ye remanent borrowis at yis conuentioun upoun ye tuentie seuint day of Julij instant Thairfoir we pray zow to keip the samē Ze may lat Mr Oliver Coult sie yis present lrē Sua comittis zow to ye protectioun of God frome Montross ye twentie tua day of July 1590.

For the baillzeis & counsall of ye bur^{t} of Montross.

J. Guthre.

Gossep, efter my hairtlie commendatioun it will pleis you to ressave yis uther tikit direct to Arthur Raa and caus him send me hame my buk qlk he suld haue writtin to me & gif he has not writtin ye samē send me haime my awin qlk I delyuerit to him I haue bene lang aneche frustrat y^{r}anent thairfoir I luk y^{t} ze will further me y^{t} I be not langer frustrat.

To yair traist freind,

Johne Scot, burges in Montross.

(2)

INSTRUMENT on decree-arbitral regarding LANDS OF PITSKELLIE, 11 July 1544

Undecimo die mensis Julii anno domini millesimo quingentesimo xliiii°.

At Kincardin day moneth and yeir aboune writtin Hon[ll] men Dauid Falkonar of Halkartoun Thomas Menzeis of Pitfoddell Dauid Barclay of Mathers and Robert Carnegy of Kynnard jugis arbitratouris and amicable compositors chosin betuix ane Hon[ll] man Archebald Douglas of Glenbervy and James Wischart of Mekile Carnebogis togider with ane noble & mytie Lord William Erle Marischale overman equalie chosin be ye saids parteis to cognost & decide upon ye clame actioun & debait concerning ye landis & toune of Petskellie,[1] The jugis forsaids & overman sueyr & tuik ye matter on thaim. And ye parteis forsaid suorne to stand & abyd at yr deliuerans all ye fornemmit jugis all in ane voce in presens of bath ye parteis decreits & deliueris yat ye said James Wischart sall gif ane sufficient reuersioun to ye said Archebald Douglas of ye said toune & landis of Petskellie with ye pertinentis apone ye soume of ane hundreth pundis usuale money of ye realme and ane letter of tak contenand ix yeiris tak to ye said James Wischart of ye said toune of Petskellie for aucht merkis maill allanerlie prouiding alwaus yt ye said James mak ye said Archebald Douglas & his airis sickir & skatles at all handis havand interes yrto, And in speciale at ye said James' mother Elizabet Curror's handis, James Curror of Inchedruyr's hand and at ye handis of Elspet Straquhnis airis quhatsumeuir, And yis forsaid securitie to be maid and ye said reuersioun deliuerit be ye said James to ye said Archebald betuix ye dait heyrof and Sanct Lourens day nixt to cum and failzing yrof yis forsaid decreit & deliuerans to be of na awaill forss nor effect. Super quibus dicti partes petierunt sibi fieri instrumenta. Acta erant

[1] Now Pitskelly, a farm on Glenbervie.

haec anno die mense et loco predictis indictione tercia pontificatus domini nostri Pauli pape tercii anno decimo coram hiis testibus viz: honorabilibus viris Andro Stratoun de eodem Magistro Alexandro Strachaquhin de Thorntoun Willielmo Ramsay de Balmayne Dauid Stewart in Annamuk Georgio Falconer Willielmo Auchenlek & Magistro Jacobo Wischart cum diuersis aliis.

Magister Gilbertus Keth notarius publicus in premissis requisitus prescriptum prothocollum manu sua scripsit.

(3)

AGREEMENT between **James Mowat** and **John Hay of Urie** with regard to the Wadset lands of Pathbach, dated May 19, 1599

Be it kend till all men be yir present letres we James Mowat agent for ye kirk ffor my selff and takand ye burding upoun me for Jonet Hay my spous fforsamekell as upoun ye xix day of may instant be contract and appointment maid betuix Johnne Hay of Urie Willeam Hay his eldest sone and apperand air bayth with ane consent and assent and als with expres advyse and consent of Issobell Irwing spous to ye said Johnne on ye ane pairt and me and my said spous on ye other pairt annent ye alienatioun maid be thaim to ws off ye thrid pairt of ye maynis of Urie callit Pathbach occupyit presentlie be me lyand in ye baronie yroff within ye Sherefdome of Kincardin The said Johnne and William his sone yr airis and assignais ar bound and obleist to mak and deliver to ws ye langar levar of ws twa during all ye dayes of our lyftyme and to our airis assignais and subtennentis ane or ma of na heyar degrie nor ourselff ffor ye space of nyntene zeiris ane sufficient letre of tak efter ye redemptioun of ye saidis landis for ye zeirlie payment to yame of four bollis beir and sextene bollis aitt meill without ony furder dewtie as ye said contract of ye dait of yir presentis at mair lenth comports Neuiryeles in caise it sall happin ws or our airis lauchfullie gottin or to be gottin of our bodies not to occupye ye saidis landis with our awin proper plewche guidis and geir Bot to set

ye samen to tennentis Than and in yat caise ye tennentis quha sal happin to occupy ye samen sall be subiect and astrictit to pay areage and careage and customes to ye said Johnne and his foirsaidis according to use and wont. In witnes qrof I haue subscryuit ye samen with my hand at Edinr. ye xix day of may i m v^{c} lxxxxix zeiris befoir yir witnesses Alexr. Mowat Roger Strachane and Mr. Dauid Boyes writtir hereof Provyding allwayes yir presentis mak na derogatioun to ye said contract in ony other point or article yrof.

Roger Strachane witness — James Mowat. Mr. Dauid Boyes witnes.

(4)

TACK OF ACHINYEOCH for 201 years by James Wischart of Pittarro to David, Lord Carnegie, and his son, dated June 24, 1633

Be it kend till all men be thir present letres Me Mr. James Wischart of Pittarro offor certane soumes of money payit and delyverit to me be ane nobill and potent lord David lord Carnegie for him selff and in name and behalf of Johne Carnegie his third lawfull sone and other causses onerous moving me to have sett and in tak and assedatioun lettin Lyke as be the tennour heirof I sett and in tak and assedatioun for the dewlie underwrittin lett To ye said Nobill lord David Lord Carnegy in lyfrent and to the said Johne Carnegie his sone and to his airis maill and of taillie specifeit and conteynit in the contract of alienatioun of the landis and barony of Pittarro of the dait of this presentis All and haill the landis of Achinyeoch with the pendicles and pertinentis yairof lyand within the boundis of the Maynis of Pittarro parochin of Fordoun and sherefdome of Kincardin. And that for all the dayes space yearis and termis of Twa hundreth and one yearis nixt and immediatly following thair entrie yairto Quhilk sall be and begin at the day and dait heirof be virtew of this present tak And thaireftir to continew and indure and to be peaceably bruikit be thame and thair forsaids at thair pleasure in

tyme cumming during the said space Payand thairfore yearlie the said David lord Carnegie during his lyftime and efter his deceis the said Jon Carnegie and his airis maill and of taillie abouewrittin conteynit in the said contract during the said space of twa hundreth and one yearis the soume of twa schillingis Scottis money And that for all other dewtie or exactioun that can be craved be virtew of this present tak which I bind and obleis me and my forsaids to warrand to the said nobill lord his said sone and his forsaids from my awin proper fact and deid allanerlie In witnes qroff (writtin be Mr. Johne Sydserff servitor to ye said nobill lord) I have subscryvit thir presentis with my hand at Edin^{r} the Twentie fourt day of Junii 1 m vi^{c} and threttie yearis Befoir thir witnesses Sir Robert Grahame of Morphie Knight and the said Mr. John Sydserff.

Mr. J. Wishartt.

R. Grahame of morphie witnes
Jo^{n} Sydserff witnes.

(5)

INSTRUMENT of Interruption of Encroachment by the Tutor of Leys, April 12, 1664

At that pairt of the Commontie betwixt the Laird of Leyis Lands and the Lands of Clunye besyd that pendicle of Cluny called Balwerie within the parochen of banchorie ternan and schirreffdome of Kincardin the tuelf day of Aprile the yeir of god ane thowsand sex hundrethe sextie foure yeiris.

The Quhilk day in presens of me notar publict undirwrittin and witnesses efternamed Compeired personallie ane honorabill gentilemane Mr. Robert burnet of Mwchollis tuttor of Leyis and past to ane peice of brunt Land laboured be Johne Scheny in Cluny allegit be the said Mr. Robert to be ane pairt of the Comontie belonging to the Laird of Leyis his landis nixt adjacent yrto And sieing the said peice of brunt land was ower far incrotched upone the said commontie as the said Mr. Robert allegit and finding the

same Lykwyse laborit and seid furrowit be the said Johne Scheny and ane pairt yrof yea the grytest pairt sawin And be resoun the said brunt land was Laboured to far within the said Comontie as said is the said Mr. Robert maid interruption to any farder laboring thareof be turneing ower certane laboured furrows And also did saw with his awin cornes ane pairt of the said Bruntland and harrowed the same with his awin horss and harrows thairefter And did inhibit any farder laboring to be maid thairof in tyme comeing for the resons foirsaid and lykwyss be resone as the said Mr. Robert allegit the same was without the proper methis and merches of Cluny and no wyse belonging thairto And in no wyse ought or sould be maid propirtie yrto And siclyk immediatly thairefter the said Mr. Robert finding ane scheip cot and ane scheip ruiff and certane stone dyks biggit be Thomas Lyon and certane utheris persons occupiers of the said pendicle of Cluny callit Balwerie to be also to far within the Comontie forsaid as the said Mr. Robert allegit And thair maid interruptione lykwyse to any fardir building other of scheip cots scheip ruiffis or ston dyks wpone the Comontie forsaid be casting downe ane pairt of the said ston dyks ane pairt of the said scheip cot and ane pairt of the scheip ruiff till the same war discust be frendis or otherwyse quhidder thair was wrong done or nocht be the tenentis of Cluny forsaid Quhilk interruptione legallie and ciuillie maid in maner forsaid Thair compeared no mane dweller nor indweller to appon in the contrair Bot suffered the same in most civil maner to be done as said is be the said Mr. Robert himself Upone the quhilk all and sundrie the premisses the said Mr. Robert protested for remeid of Law and tuik Instruments ane or mar in the hands of me notar publict underwrittin This was done wpoun the ground of the said contrawirted boundis respectively betwixt four and fywe hors eftirnoone or thairby day moneth and yeir of god forsaid Before thir witnesses Robert burnet in brothinche Johne Craymill thair Alex^{r} duncane in Newbrae Wm Straquhone seruitor to Alex^{r} M'Kie in owir brothinche and Archibald farq^{r} in Ley witnesses speciallie desyrit and requyrit heirto.

Ita est Jacobus Ross notarius publicus in fidem et testimonium veritatis omnium et singularum premissorum rogatus et requisitus.

(6)

DECLARATION by the MAGISTRATES OF PERTH anent the death of JAMES KEITH of Benholm, June 29, 1671

WEE The Provost and baillies of the burgh of Perth undersubscryvand doe heirby testifie and declair that James Keith of Benholme deceased within this burgh of Perth on the second day of September in the yeir of God Ane thousand sex hundreth thrie scoir and sex yeirs And was buried in the yle of the kirk of Kinnowll we being present at his buriall accompaning his corpes to the said place In witnes To the truth of the premisses we have subscryved thir presentes with our hands att Pearth the tuentie nynt day of Junii In the yeir of God ane thousand sex hundreth thrie scoir and elevin yeirs.

G. THREIPLAND Provest,
J. GLAS Baillie,
A. JAMESON baillie,
ANDROW JACKSONE Baillie,
P. JOHNSTOUNE Ba[1].

(7)

INSTRUMENT OF INTERRUPTION—SIR ALEXR. FALCONER of Glenfarquhar *contra* DAVID STEWART of Inchbreck, 1686

At that place of the Burne of Gany [1] a litle beneath that pairt of the samen wher it Runes with tuo Graynes,[2] And wher David Stewart of Inchbreack hes built tuo damms or fortificatiouns And alsoe that place of the month or hill that pass lineallie from the said Burnehead of Ganie to Leitsches Cross [3] rexvie. the eleavinth

[1] A tributary of the Bervie. On the Ordnance Survey Map it appears as Burn of GUINEA.

[2] *i.e.* Branches. [3] The Ordnance Survey Map shows Leachie Cairn.

day of August 1 m vi c & eightie sex yeares And of the Reigne S.D.N. King James the seavinth the second year.

The which day in presence of me nottar publict and witnes under-subscrivand Compeared personallie Sir Alexander ffalconer of Glenfarqr Barronet [1] And past to the said hill or month that pass lineallie from the said Burnehead to Leitsches Cross within the qch lyne Bounds and March ther wes peitts Casten westward of the samen (which the said Sir Alexander asserted wes upon his month or hill) And that be Mr. Rob. Irwing parsone of Glenbervie Robert Brand at the mill therof and severall persons, Be the tolleratione and fridome of the said David Stewart upon pertence of propertie belonging to him And alsoe past to the saids dammes or fortificatiouns Builded be the said David Stewart upon the said Burne Whoe declared *primo* that the said David Stewart hade noe Right of propertie west of the lineall ascent that pass from the said Burnehead to Leitsches Cross soe that he, nor none be his order or tolleratione could cast peitts or fewall therintill, 2°, that the said David should not have made any dammes or fortificationes to alter the current of the said Burne the samen being the onlie March betuixt the Lands of Dillivaird [2] and Inchbreack As he should macke appear be ane decreit Arbitrall pronunced be Sir Harie Grahame of Comiestoune Speciallie condescending one the Marches divyding the saids lands As ane dowble of the said Decreit Arbitrall produced be the said Sir Alexander And wrytine be the deceased Sir Wm. Douglas of Glenbervie daited the tenth and seavintein dayes of november 1 m Vi c thrie scor thrie yeares at more lenth beares Soe that the said Sir Alexander Declaired he was greatlie damnified and prejudged be the said damme It causeing the watter to rune whollie upon his propertie Therfor he made Legall Interruptione Both

[1] *Vide ante*, p. 66.

[2] Dillavaird in the Barony of Glenbervie, which had been held for several generations by a family of Strachan, was acquired in 1608 by Sir Robert Douglas of Glenbervie, and in terms of a family arrangement was made over to the five daughters of his son Sir William. By these ladies it was in 1664 sold to Alexander Falconer, younger of Glenfarquhar, created a Baronet in 1670.

as to the Incroachment wpon his propertie in the month by causeing lead away ane quantitie of evrie one of the fornamed persons ther peatts casten theron And throwing doune ane peice of the saids damms Wherupon and upon all and sundrie the premisses the said Sir Alexander ffalconer took instruments ane or mae in the hands of me no^{r} publict under-subscrivand And protested that the said David Stewart might be lyeable to him of all coast skaith damnage intrest and expensses He Hes susteined or might susteine By casting up of the said month and building of the saids damms or fortificatiounes And for all remead of law theranent And that the said David and other persones be his order should desist and cease from all such practizings in all tyme heirafter Ther things wer done in the said month and at the saids dammes rexvie. betuixt eight and nyne houres in the fornoone Day month yeare of god and Kings reigne abovewrytine Befor John Beattie in Chapletoune Archibald Greig wm and James midletonns servitors to the said Robert Brand Andrew moig servitor to the said Sir Alexander ffalconer & wm Hendersone in Auchinblae witness desyred and requyred to the premisses.

William Henderson witnes,
Andrew Muig witnes.

Ita est ego Joannes Auchinleck notarius publicus in premiss requisitus sub 1°.

J. Auchinleck.

(8)

E. MARISCHAL'S EDICT for convening the shyre to ye effect within written, June 1689

The Comittee of Estates of this kingdome By their Comissione[1] direct to us undersubscryveand ffor the important causses yrin exprest Have granted warrand to us to call togither all the heritores & uther fenceible men within this shirreffdome with their best horsses & armes

[1] This commission, dated 30th April 1689, is printed in vol. ix. of the *Acts of the Parliament of Scotland*, Appendix, p. 2.

And such of ym as have not horsses with what armes they can be able to provyde themselves with, That they may be reduced & put in troupes & Companies, that they may be assisting ffor repressing any comotione or disturbance that may happen to be attempted against the present governement, In pursueance wherof These ar requyreing the saids heritores within this shyre at their highest perrill to appear & conveine at stonehyve the eighteine day of Junii instant. That the said Comissione may be Comunicat to them and such methods taken yrin as may prove effectuall for prosecuteing of the samen according to the intents yrin sett doune. Given under our hand at ffetteresso the ffourteint day of Junii 1689 yeirs. MARISCHALL.[1]

These doe lykwayes requeyre paym^t^ of the last termes supplies & 17^s^ on ye 100 lib. rent formerly demanded, with certificatione off Quartering.

By GEO: MCKENZIE.

(9)

LETTER from ROBERT, 4TH VISCOUNT OF ARBUTHNOTT[2]

LONDON, 21 *March* 1710.

SIR,—My longe and severe indisposition hath forced me contrair to my intention to faill in writing to my friends and I must owne I am wanting that way to you as weell as others; But now that I begin to take up a litle my friends come fresh to my remembrance so that I cannot longer omitt to inquire of your health which would be very agreeable to me to have confirmed under your own hand with the remarkable occurances in our shire. I longe mightily to be att home to see all my good friends especially yourselfe whose friendship and good neighbourhood shall never miss ane just esteem from, Sir, your affectionate Cousine and very humble servant,

ARBUTHNOTT.

[1] George, 8th Earl Marischal.

[2] *Vide ante*, p. 74; born 1686, died 1710.

This day Doctor sacheverells triall which has been the task of the Parl^t of Brittain for so many weeks and the noise of Eourope is brought to a close by the Lords appointing his sermon to be burnt att the sight of the mayor of London who had disowned his ordering it to be printed the doctor is discharged from preaching for three years but injoys all his places, is capable of any new preferment and discharge such as read prayers, baptize, marry and administer the sacrament of the Euchrist and his ordinary is to send others to preach for him.

(10)

TESTAMENT-TESTAMENTAR and Inventory of Dame Helen Graham, Lady Falconer of Glenfarquhar [1]

The Testament Testamentar and Inventary of the goods gear Debts and sumes of money pertaining belonging and addebted to umqle Dame Helen Graham relict of the deceast Sr Alexander ffalconer of Glenfarquhar the tyme of her decease who deceased in the City of Ed^r upon the thirtieth day of March i^m vii^c and twenty years, faithfully made and given up by herself upon the fourth day of September i^m vii^c & eighteen years, In swae farr as concerns the nomination of her sole exer. and universall Intromitter with the burden of particular Legacies in the manner aftermentioned, And given up by Lievtennant George Graeme of the Marques of Mountandre's Late Regiment designed in the latter will underwrin Law^ll son to the deceased Robert Graeme of Craigie Brother german to the said umqle Dame Helen Graeme, in swae farr as concerns the Inventary of the sd defunct her goods gear & debts Which Lievtennant George Graeme the said umqle Dame Helen Graeme nominated and appointed her sole exer. and universall legator and intromitter with her goods gear & debts with the burden of the saids par^lar legacies, By her latter will and Testament of the date forsd subscrived by her in presence of the

[1] From Edinburgh Commissariot Register of Testaments, 25th April 1720. For an account of the lady, *vide ante*, p. 66.

witnesses afternamed and by a codicill a part written and subscrived with her own hands as the samen in themselves at more length proport. In the first the said umqle Dame Helen Graham the tyme of her decease forsaid had pertaining and belonging to her the goods and gear following of the availls & prices aftermen^{t} viz: Imprimis the insight plenishing & furniture of her dwelling house in Edin^{r}. Together with a small copper and brewing looms and some other things at her house in Montrose valued in cumulo to viii^{c} lib. scots. *Item*, the said Defunct's books valued at xx lib. money forsd. *Item*, of gold xxxiii guineas and one half seven Carolus's, half a Jacobus, A moydore, A quarter moydore, Three pistoles, a portuguese piece and of silver coin i^{c}liiii lib. iiii^{s} scots all lying beside the defunct the tyme of her decease, Extending in the whole to vii^{c}lxxiii lib. xi^{s} scots. *Item*, some gold rings a Cornelian broken ring, A corall necklace, the great Marquess of Montrose picture sett in a small gold frame, one pair gold buttons and some curiosities and medalls of silver of small value all extending to lxxxiiii libs. scots money. *Item*, a repeating gold watch with crotchet seall and chain valued at xxx lib. sterling which in scots money is iii^{c}lx lib. *It.*, a Breast jewell a diamond ring and the pretender's picture sett in a small silver frame gilt estimat to xii lib. x^{s} sterling which in scots money is i^{c}l lib. *It.*, a gold brotch ii lib. viii^{s} scots. *It.*, Some uncutt linning, Linnen and wool yarn in Edin^{r} & Montrose valued at xlviii lib. money forsd. *It.*, a gold watch with chain and seall worth ii^{c}xx lib. money forsd. *It.*, two diamond rings lx lib. money forsaid. *It.*, three woups and a pearl necklace xiiii lib. money forsaid. *Item*, a small diamond ring three woops and a pair of gold lockets enambled valued at xxii lib. i^{s} scots. *It.*, a ring sett with pearl, another ditto sett with the pretender's hair with three small diamonds, a locket & two gold woups worth xvi lib. xvi^{s} money forsaid.

Summa of the Inventory i^{m} iiii^{c} lxxvii lib. xi^{s}.

Follows the debts owing to the deceased.

. . . . . .

I Dame Helen Graham Relict of the deceased Sr Alexander ffalconer of Glenffarquhar enjoying for the present by the Blessing of God a healthfull body and a sound mind and judgement yet in view of my mortality am resolved to settle my worldly affairs & estate and to disengage myself from the world befor I be overtaken with sickness or deathbed Therefoe after recommending my soul to God and in hope of attaining Eternal Salvation by the merits of Jesus Christ I hereby nominat and appoint Lievtennant George Graham lawfull son to the deceased Robert Graham of Craigie my brother german my sole exer. and universall legator with power to him to intromitt with my whole goods gear household plenishing & furniture debts sumes of money and others of whatever nature pertaining or that shall happen to pertain and be resting to me the tyme of my decease, Together with my whole parapharnalia rings jewells silver plate money coined & uncoined lying by me or wherin I have interest the tyme forsaid as well heirship as other moveables, To whom I hereby leave and bequeath the same with power to the said George Graham to make and give up Inventars thereof and obtain confirmation thereon and to doe everything else necessary for establishing the right thereof in his person, with the burden allways of the payt of all my lawfull debts and funeral expences and also with the burden of the particular legacies left by me to my relations afternamed vizt I hereby leave & bequeath to Mrs. Helen Graham daughter of the said deceased Robert Graham my niece the sume of im vc merks scots money. *Item*, to my other niece Mrs. Elizat Graham the sume of im merks scots money. *Item*, to Ensign Alexander Graham my nephew the sume of im merks scots money. And lastly to Alexander Gordon lawfull son to Captain Charles Gordon of Abergeldy my grand nephew the sume of im merks scots money. All which legacies I hereby ordain the said Lievtennant George Graham my executor to pay to the rexive persons abovenamed, how soon he shall intromitt with and make effectuall so much of my effects as shall satisfie and pay the same after payment of

my debts and funerall Charges and such other sumes as may be depursed by him in confirming this present Testament and in prosecuting my just claimes and inbringing of my effects, Providing allways Likeas it is hereby specially provided and Declared That in case after payment of my lawfull debts funerall Charges and other sumes that shall happen to be Debursed and Expended in manner forsaid my moveable estate shall not exceed the sume & value of x^m merks scots money In that case I will & ordain that each of the above Legacies and Donations provided by me to the said Ensign Alexander & Mrs. Elizabeth Grahams my nephew & niece and to the sd. Alexander Gordon shall suffer ane abatement & Diminution of one third share and proportion But the said Mrs. Helen Graham her Legacy shall suffer no diminution on account forsaid, but she shall have right to the whole thereof as above provided, and moreover I hereby revock all former testaments Legacies Codicills or other rights whatsomever granted by me to the persons abovenamed or others whatsomever all which I hereby declare void and null. Reserving allways to me full power and Liberty at any tyme of my life in sickness or upon Deathbed to alter and innovat these presents and to dispose upon all or any part of the premisses as I shall think fitt. In witness wherof thir presents written by Charles Mackenzie writer in Edinburgh on stamped paper are subscribed by me at Roystoun the fourth day of September one thousand seven hundred and eighteen years Before these witnesses Sir James Mackenzie of Roystoun one of the Senators of the Colledge of Justice and the said Charles Mackenzie writer hereof. *sic subscribitur* Helen Graham. Ja. Mackenzie witnes, Cha. Mackenzie witnes.

Follows the Codicill.

Be it kend to all by thir presents me Dame Helen Graham relict of the deceast Sr Alexander ffalconer of Glen ffarquhar ffor as meikle as I did by my will and Testament Dated the fourth day of $Sept^{er}$ last nominat and appoint Lievtennant George Graham my nephew

to be my sole executor and universall legator with the burden of certain legacies and others therein expresst, And I being resolved to dispose of some things not particularly therein mentioned to and in favour of my relations & friends Therefor I Doe by this my codicill leave and bequeath after my decease the particulars aftermentioned to and in favors of the persons afternamed to witt To my nephew Lievtennant George Graham here to insert the particular things which I intend to leave to him, a repeating gold watch with a gold chain and seall a Diamond ring with thirteen stones ane breast jewell with eleven Diamonds the King's picture.[1] To Helen Graham a gold watch with chain and seall with two Diamond rings ane gold buckle three woups ane pair of gold lockets two woops Reserving to myself power to me to alter & to innovat this present Destination & Codicill at any tyme I please by a note under my hand Declareing allways this my former Latter will and testament of the date abovewritten Shall continue firm and stable in the haill heads and clauses thereof, Except in so far as is hereby respectively altered and no otherways. In witness whereof I have written and subscrived thir presents At Edinburgh the Twentie of Aprile seven hundreth & nineteenth years.

Sic subscribitur Helen Graham.

Sir James Elphinstone &c. Whereupon &c. Captain ffrancis Graham in Collonell Philip Anstruther's Regiment of ffoot Became Cautioner as an act made thereanent bears.

(11)

LETTER from Dr. John Arbuthnott [2] giving medical advice

23rd April 1729.

My Lord,—I had your lõps letter late last night & could not peruse it sufficiently till this morning, rather than

[1] It will be noticed that the cautious executor described this in the inventory which he gave up (*ante*, p. 164) as 'the Pretender's picture.'

[2] *Vide ante*, p. 77. Because of Dr. Arbuthnott's double eminence as a physician as well as a writer, these documents have a value, in addition to the light they throw on the therapeutics of the time.

delay the answer I chuse to write in English since I know yow have those by your lōp who can explain it to the physicians & chirurgeons. I write not only from my owne experience but from that of an able chirurgeon and we are of opinion that the extirpation of these Hæmoroids should not be rashly attempted, ther is one inconveniency that may follow & I know did follow in the case of a friend of mine, that the internal coat of the gutt may so contract it self as to leave very little passage afterwards for the excrements by which my forementioned friend is so miserable that he is forced to take a purge every day to make his excrements fluid else they would not pass at all. Upon the main I am of opinion that some outward application should be tryd to take of that fungosity in the Hæmaroids. I know wher a powder made of Burnt Alum Galls & myrh touching the parts with it severall times a day has been effectuall for that purpose, after every time going to stool the parts most be washed with warm Brandy strongly endud with Alum. This method I know has succeeded in taking off the fungosity I am sure this or some such a method should at least be tryed befor they proceed to such an operation. In the meantime your lōp should drink Asses milk in as great quantity as you can & turn your dyet upon milk. I have known the decoction of the millefoil or the expressed juice of the same plant do a great dale of good in your lōps case & I think one of them should be used. Ther is an Aplication that is likewise usefull tho not so effectuall as the forementioned powder, that is a suffimigium or sitting upon the warm steam of Vinegar poured upon Red Hott Flints. I am heartily concernd for your lōp & wish you a happy recovery, & hope your lōp will be pleased to order your chirurgeon from time to time to inform me of the state of the case —being with the greatest respect, My Lord, Your lōps most faithfull humble servant, Jo. Arbuthnott.

London, *Aprile* 23, 1729.

As to the uneasiness & restlessness your lōp sometimes feels I think you ought to take in such a case six drachms

or an ounce of the syrup of white poppys in a proper vehicle when your lōp has it in a great degree.

(12)

PRESCRIPTION by Dr. John Arbuthnott

I approve of my Lord's drinking some wine for that despiritedness, he may safely sometimes at bed time take a pill w^{t} Gummi & caster in it such as

℞ Gummi Ammoniac
Ass Fœtid āā. gr. vii
Caster
Sal succini āā. gr. iii
Balsam peruvian 9s

M. fiant pilulæ pro una dosi.

(13)

MEDICAL MEMORANDUM by Dr. John Arbuthnott

The dissease is a very great one of its kind; & being inveterate hard to cure. The consequences of that distemper in the extremity if not prevented by dyet and good medicine are hectic feaver dropsy an ulcer one or all. Ther is loss of blood to most by the Hæmeroid vessels & letting blood by the Arm will rather do hurt.

Epsom salts irritate the distemper Elixir salutes too hott & so is spirit of Hartshorn or spirit of scurvy grass.

The swiming of the Head & other symptomes like vapours cannot be otherwise curd than by curing the distemper of which they are the effect.

The intention must be to cool & incrassate the blood to strengthen the fibres of the bowels for which purpose I would advice the continuance of the Spaa water above a pint in the morning & drink at mails w^{t} a strong red wine for ordinary drink.

In the first glass of Spaa water in a morning putt 20 drops of the elixir vitrioli, if it agrees with the stomach the patient may take 30.

I would purge very seldom, only to abate the soreness of the part affected the patient may take the following Bolus which is a specifick for the piles.

℞ Flor sulphur J ii pulp. Cass. recenter extract. ℥ iii. M. fiat. Bolus.

This may give perhaps one stool extraordinary, but the chief intention is rather to bind & strengthen the bowels for which purpose

℞ Sanguin. dracon. Croci Martis Astringent āā ℥ ii^{s} Sachar. Saturn: alumini Rupill āā gr. xx Terebinthin e cio 9s. misce es singulis drachmis fiant pilulæ xii. quarum capiat iv mane et hora cubitus quotidie. ex haustulo potia ordinarii.

I approve of the lotion. I suppose they foment warm with it rather than inject it.

If the juice of millefoil or yarrow could be gott this time of year I know it to be a soveraign remedy.

In this case if the heat and quickness of pulse continue perhaps it may be adviseable to take the juice of young nettles & plaintain when it can be had tuo spoonfulls of each mixd with a little oakbud water in a morning & sweetened with sugar. Nettles . . . he had fever.

For the vapourish symptoms complained off he may take at night going to bed the following pill interrupting his astringent pill.

℞ Galban solut. Ass. fœtid āā gr. vi. Caster sal. succini aa gr. iv. Balsam peruvian 9s. Misce fiant pilulæ pro una dosi.

As for his dyet it must be such a person would use who is affraid of a Hectick feaver. I need say no more.

As for drink, strong liquoir must be avoided as poyson except what I mentioned befor, a styptick red wine such as strong claret Hermitage or Red Florence mixd with Spaa water or Tincture of Red Roses vitriolated & white drink are very proper drinks or an emulsion made with Barly water. Boyling one ounce of chalk in every pint of it.

Marmalade of Quinics is good jelly &c but oyl & oyly things must be avoided because they relax the bowels too much.

In as much as the Bouells in the patients case are deprived of the natural means, the ingredients of the Astringent pill above mentiond made up into a pill with half an ounce of yellow Beeswax a little melted instead of turpentine will prove very balsamic & healing. Take either of the tuo pills as best agrees with the patient for in this case wher one can not visit it is necessary to mention more Remedys than the patient can take in one course.

WRITS RELATING TO FISHINGS IN THE YTHAN

INTRODUCTORY NOTE

Rising at Wells of Ythan in the parish of Forgue the River Ythan, after a winding course of nearly forty miles, falls into the sea at Newburgh. It is well known for the pearls which it yields, and from it the Great Pearl in the Crown of Scotland is said to have come. Its fishings of both salmon and trout are still famous, and apparently have been so from time immemorial. The following writs show how highly these fishings were valued in the early sixteenth century, and how jealously the right to them was guarded. Incidentally they throw some light on the legal procedure of the time, and on the pedigree of some of the local families.

WRITS RELATING TO FISHINGS IN THE YTHAN

I

Omnibus hanc cartam visuris vel audituris Alexander Ogiluy de eodem[1] salutem in Domino sempiternam. Noueritis me non vi aut metu ductum nec errore lapsum compulsum aut coactum sed mea mera pura libera et spontanea voluntate vtilitateque et commodo meis vndique preuisis et mature consideratis dedisse concessisse vendidisse alienasse ad feodifirmam dimisisse et hac presenti carta mea confirmasse necnon tenore presentium dare concedere vendere alienare ad feodifirmam dimittere et hac presenti carta mea confirmare honorabili viro Patricio Chene de Essilmond et heredibus suis Totam et integram meam piscariam aquarum de Ithane, Incipientem ad le Macharfurd et dehinc ascendentem ad le Sekfurd de Five cum omnibus suis pertinentiis, Jacentem infra vicecomitatum de Abirdene, Pro quadam certa summa pecunie michi per dictum Patricium in mea magna cognita et vrgenti necessitate persoluta in pecunia numerata et in usum meum totaliter conuersa. De quaquidem summa pecunie teneo me bene contentum ac plenarie et integre

[1] Alexander Ogilvy of Deskford and Findlater was served heir to his grandfather, Sir James, in fishings in the Water of Ythane on 9th April 1510 (*Antiquities of Aberdeen and Banff*, iii. 105). This family was descended from Sir Walter Ogilvy, a younger son of Sir Walter Ogilvy of Carcary and Lintrathen, ancestor of the Earls of Airlie. The name was derived from the earliest possession of the family, the Den of Ogilvy near Glamis, which remained with the main line of the family until the middle of the seventeenth century, long after such cadet branches as Airlie, Findlater, etc., had outstripped it in importance. This family was truly Ogilvy de Eodem, though the designation was assumed by the junior family of Deskford, in respect that they somehow got their lands erected into a barony with the name of Ogilvy.

persolutum, dictumque Patricium heredes suos executores et assignatos de eadem quittos inde clamo et exonero tenore presentis carte mee imperpetuum. TENENDAM et habendam totam et integram predictam piscariam aquarum de Ithane cum omnibus suis pertinentiis prefato Patricio et heredibus suis de me heredibus meis et successoribus in feodifirma et hereditate imperpetuum Per omnes rectas metas suas antiquas et diuisas prout jacet in longitudine et latitudine cum libero introitu et exitu Ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac justis suis pertinentiis quibuscumque tam non nominatis quam nominatis procul et prope ad predictam piscariam cum suis pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie intgre honorifice bene et in pace Et adeo libere in omnibus et per omnia sicut aliqua piscaria infra regnum Scotie alicui per aliquem datur conceditur venditur seu alienatur aut dari concedi vendi seu alienari poterit qualitercumque in futurum, ac sine retinemento reuocatione aut obstaculo aliquali. REDDENDO inde annuatim dictus Patricius Chene de Essilmond et heredes sui michi heredibus meis et successoribus summam triginta librarum vsualis monete regni Scotie in festo ad uincula Sancti Petri Lammes nuncupato nomine feodifirme tantum pro omni alio onere exactione questione demanda seu seruicio seculari que de predicta piscaria cum pertinentiis per quoscumque juste exigi poterunt quomodolibet vel requiri. Et ego vero dictus Alexander Ogiluy de eodem heredes mei et assignati totam et integram predictam piscariam aquarum de Ithane cum suis pertinentiis dicto Patricio et heredibus suis in omnibus et per omnia forma pariter et effectu ut premissum est contra omnes mortales Warantizabimus acquietabimus et imperpetuum defendemus omnibus fraude et dolo seclusis. In cuius rei testimonium huic presenti carte mee manu mea subscripte sigillum meum proprium est appensum. Apud Edinburgh primo die mensis maii Anno Domini millesimo quingentesimo tricesimo quarto Coram hiis testibus Magistro Alexandro Ogiluy in Glas-

hauch, Wilelmo Bard filio et apparente herede Georgii Bard de Ardinhuif, Andrea Harvy, et Magistro Laurencio Chene notario publico, cum diuersis aliis.

ALEXR OGYLUY
off that ilk.

II

JAMES be ye grace of God King of Scottis To oure Schiref of Abirdene and his deputis unsuspectit greting. Fforsamekle as it is humelie menyt and shewin to us be oure louit Patrik Chene of Essilmont That quhair he is heretablie infeft in ye watter and fischeingis of Ythane fra ye Sekfurde of Fivy to ye Mawcherfurde liand within oure Schirefdome of Abirdene and his predecessouris he and yr tenentis of ye saidis fischeingis in yr names hes bene in continuall & peciable possessioun of ane cruif wall & cruvis within ye samen aboue ye kirk of Alloun callit ye cruif wall of Alloun togidder with tua vther schottis liand beside ye said cruif wall callit ye cruif walschot & brigschot upoun ye said watter as partis and pertinentis of his saidis fischeingis and als of ye said haill watter and ald wattergang of Ythane cumand to ye saidis cruif wall cruvis cruif walschot & brigschottis foirsaidis in tymes bigane Quhill now recentlie upoun ye xiii xiiii and xv dais of Aprile instant yat Maister James Berclay of Kinharrachy be him self his seruandis & complicis with conuocatioun of oure liegis to ye nowmer of xl personis bodin in feir of weir in his name of his causing command assistence and ratihabitioun wranguislie and violentlie brak doun ane grete parte of ye said Patrikis cruif wall foresaid and spulzeit tuke and withheld fra him ye stanys yrof and also hes spulzeit and drawin ye said watter of Ythane by ye ald wattergang & passage fra his saidis cruvis cruif wall cruif walschot & brigschottis forsaidis and yairthrou spulzeit him of his possessioun of ye said cruif wall and watter cumand yrto and as zit will not desist & ceiss yrfra, bot haldis ye said watter furth of ye ald wattergang fra seruice of ye said Patrikis fischeingis aboue writtin nor zit will refound

and pay to him ye dampnage and skaith sustenit be him throu breking of his said cruif wall and drawing & withhalding fra ye samyn and fra ye saidis cruvis cruif walschot & brigschottis ye said watter sensyne extending be gude estimatioun to ye sovme of twenty libs. money of oure realme without ye said Maister James be compellit, And zour deputis of oure said Shirefdome ar neir of kyn to him and yairfor ar suspectit to be jugis to ye said Patrik in ye said mater. Oure will is heirfor and we charge zou straitlie & commandis yat incontinent yir oure letteris sene ze call baith ye saidis parteis befoir zou and tak cognitioun in ye said matter And gif it beis fundin yat ye said Patrik Chene is heretablic infeft in ye said watter and fischeing of Ythane fra ye Sekfurde of Fivv to ye Mawcherfurde and yat his predecessoris he and yr tenentis of ye saidis fischeingis in yr names hes bene in continuall & peciabill possessioun of ye said cruif wall & cruvis within ye samen aboue ye kirk of Alloun callit ye cruif wall of Alloun with tua vther schottis beside ye said cruif wall callit ye cruif walschot and brigwalschottis upoun ye said watter as partis and pertinentis of his said fischeingis and als of ye said haill watter & ald wattergang of Ythane cumand to his said cruif wall cruvis cruif walschot and brigschottis foirsaidis in tymes bigane, And yat ye said Maister James be him self his seruandis and complicis with conuocatioun of oure liegis of his causing as said is upoun ye dais aboue writtin wranguislie & violentlie brak doun ane grete parte of ye said Patrikis cruif wall foirsaid and spulzeit tuke & withheld fra him ye stanys yrof and als spulzeit and drew ye said watter of Ythane by ye ald wattergang and passage fra his saidis cruvis cruif wall cruif walschot & brigschottis foirsaidis, And yairthrou spulzeit him of his possessioun of ye said cruif wall and watter cumand yrto That ze and zour deputis unsuspectit caus and compell ye said Maister James & his complicis to desist & ceiss yrfra, And restoir ye said Patrik agane to his possessioun of ye said cruif wall cruvis cruif wall schot & brigschottis as partis and pertinentis of his fischeingis foirsaidis and siklike to

his possessioun of ye said watter of Ythane and put & hald ye samen in ye ald wattergang yrof to haue siklike passage to his saidis fischeingis cruif wall cruvis cruif wall schot and brigschottis as it wes wont to haue and keip & defend him in his said possessioun yrof ay and quhill he be lauchfullie callit and ordourlie put yairfra, And als causs and compell ye said Maister James to refound & pay to ye said Patrik ye dampnage and skaith sustenit be him throu breking of his said cruif wall & drawing and withhalding fra ye samen and fra ye saidis cruvis cruif wall schot and brigschottis of ye said watter extending to ye sovme aboue writtin. Or safer as ye said Maister James will grant or ye said Patrik may sufficientlie preif and gif neid be That ze poynd and distrenzie yairfor, And yat ze summond ane inqueist or witnes heirto of oure Shirefdome of Abirdene and four half about ilk persoun under ye pane of xx li. and also yat ze and zour deputis unsuspectit set zour Shiref court and do justice to baith ye saidis parteis in ye said mater in all gudlie haist, admittand to yame ye just and lauchfull defenss as ze will ansser to us upoun ye executioun of zour office and als under ye pane of tynsale of zou oure said Shireffis office and refounding to ye said Patrik of ye dampnage and skaith yat he sall happin to sustene yrthrou in zour deputis and zour defalt deliuering yir oure letteris be zou deulie execut and indorssate agane to ye beirer under oure signet At Edinburgh the xxi day of Aprile And of oure Regime ye xxix zeir.

Ex deliberatione Dominorum Consilii &c.

J. Bannatyne.

III

George Erll of Hwntlie Lord Gordoun and Banyenoch & Shereff principall of Aberden To George Bysset mayr of fee of ye said Sherefdom and to his deputtis gretinge forsamekle as our Soueran Lordis letteris ar derectit to us & or deputtis unsuspectit Impetrat be Patrik Chene of Essilmont makand mentioun yat quhar he is heratabilly

infeft in ye wattir & fisching of Ithane fra ye Sekfurd of Fyvy to Macharfwrd lyand within or Sherifdom of Aberden and his predecessoris he and ye tenentis of ye said fisching in yr names has bene in contenuall & peceable possessioun of ane crwiff wall & cruiffis within ye samyn abown ye kyrk ye kyrk [*sic*] of Ellon callit ye crwiff wall of Ellon togider with twa uthyr shoittis lyand besid ye said cruiff wall callit ye crwiff wall schot & brig schot upoun ye said wattir partis & pertinentis of ye said fischingis and als of ye said haill wattir & auld wattir gang of Ithane cumand to ye said cruiff wall cruiffis cruiff wall schot & brigschot foirsaidis in tymes bygan quhill nowe laitlie upoun ye xiii xiiii & xv day of aprill instant That Maister James Berclay of Kinharrachy be himself his seruandis & complices with conuocatioun of ye Kingis lieges to ye number of xl personis bodin in feyr of weyr in his nayme of his causing commandis assistence and ratihabitioun wranguislie & violentlie brak down ane grit part of ye said Patrikis cruiff wall afoirsaid & spuilzeit tuik & withheld fra him ye stanis yrof and als has spwilzeit & drawin ye said wattir of Ithane by ye ald wattir gang & passage fra his saidis cruiffis cruifwall schot & brigschot foirsaidis and yrthrow spwilzeit hym of his possessioun of ye said cruif wall & wattir cumand yrto and as zit will not desist & ceis yrfra bot haldis ye said wattir furth of ye ald wattir gang fra seruice of ye said Patrikis fischingis abown written nor zit will refound & pay to him ye damnage & skayth sustenit be him throw braking of his said cruiff wall & drawing & withhalding fra ye samyn & fra ye saidis cruiffis cruiff wall schoit & brigschoit of ye said wattir of Ithane sensyn extending be guid estimatioun to ye soum of xx libs money of Scotland without ye said Maister James be compellit, and or deputtis of or said Sherifdom ar neir of kyn to him & yrfor ar suspect to be jugis to ye said Patrik in ye said matter. Chargeing us heirby to call bayt ye said parteis befoir ws & tak [cau]tioun in ye said matter & in respect that ye said Patrik Chene is heretablie infeft in ye said wattir & fischingis of Ithane fra ye Sekfurd of Fyvy to Machar furd & at his predecessors

he & yr tenentis of ye saidis fischingis in yr names has bein in continuall & peciable possessioun of ye said cruiff wall & cruiffis within ye samyn abown ye kyrk of Ellon callit ye cruiff wall of Ellon with twa uthir schoittis besid ye said cruiff wall callit ye cruiff wall schot & brigschottis upoun ye said wattir as partis & pertinentis of his saidis fischingis & als of ye said haill wattir & auld wattir gang of Ithane cumand to his said cruiff wall & cruiffis cruiff wall schoit & brigschottis foirsaidis in tymes bygan And at ye said Maister James be himself his seruandis & complices with conuocatioun of ye Kingis lieges of his causing as said is apoun ye dayes abown writtin wranguisly & violentlie brek down ane gryt part of ye said Patrikis crwiff wall foirsaid & spwilzeit tuyk & withheld fra hym ye stanis yrof & als spwilzeit & drew ye said wattir of Ithane by ye ald wattir gang & passeg fra his saidis cruiffis cruiff wall schot & brigschottis forsaidis. And yrthrow spwilzeit hym of his possessioun of ye said cruiff wall & wattir cumand yrto That we & or deputtis unsuspect causs & compell ye said Maister James & his complices to decist & ceis yrfra and restoir ye said Patrik to his possessioun agan of ye said cruiff wall cruiffis cruif wall schot & brigschottis as partis & pertinentis of his fischingis forsaidis And siklik to his possessioun of ye said wattir of Ithane and put & hald ye samyn in ye ald wattir gang yrof to haue syklyk passeg to his saidis fischingis cruiff wall cruiffis cruif wall schot & brig schoittis as it wes wont to haue & keip & defend him in his said possessioun yrof ay & quhill he be lauchfuly callit & ourdorly put yrfra And als yat we causs & compell ye said Maister James to refund & pay to ye said Patrik ye dampnage & skayth sustenit be him throw braking of his said cruiff wall & drawing & withhalding fra ye samyn & fra ye saidis cruiffis cruif wall schot & brigschottis of ye said wattir extending to ye sowm abownwritten or sa fer as ye said Maister James will grant or ye said Patrik may sufficientlie preif And if neid be yat we pwynd & distrenze yrfor & according to justice as at mayr lyntht is contenit in ye saidis letteris We CHARGE you heirfor yat in con-

tinent yis precept senc ze lachfullie sumond warne & charge bayth ye saidis partiis to compeir afor us or or deputtis ane or ma in or Sherif court to be haldin ye cruif wall of Ellon ye day of May nixt to cum in ye hour of causs yair to heir & see cognitioun to be takin in ye said matter eftir ye forme & tenour of or Souerane Lordis letteris forsaid and ye said Maister James Berclay to heir & se himself to be decernyt be ws & or deputtis unsuspect & siklik his complices to desist & ceiss fra foryr braking down of ye said cruif wall forsaid and spowilzeing of ye stanis yrof & siklik fra foryı drawing of ye said wattir wattir [*sic*] of Ythane by ye auld wattir gang & passag fra ye saidis cruiffis cruif wall cruif wall schot & brigschoittis forsaidis, And als to heir & se ye said Patrik decernyt be ws & or deputtis forsaidis to be restorit again to his possessioun of ye said cruiff wall cruiffis cruiff wall schot & brigschottis as partis & pertinentis of his fischingis forsaid & siklik to be restorit to his possessioun of ye said wattir of Ythane & ye samyn decernyt to be put & haldin in ye ald wattir gang yrfor to haue siklyk passag to his saidis fischingis cruiff wall cruiffis cruiff wall schot & brigschottis as it wes wont to haue & ye said Patrik to be keipit & defendit in his said possessioun yrof ay & quhill he be lauchfullie callit & orderly put yrfra And ye said Maister James to be decernyt to haue doin wrang in ye wranguiss spoliatione of ye said Patrikis possessioun of ye said cruiff wall & wattir cumand yrto, And to refownd & pay to ye said Patrik ye dampneg & skayth sustenit be him throw braking of his said cruif wall & drawing & withhalding fra ye samyn & fra ye saidis cruiffis cruif wall schot & brigschottis of ye said wattir extending to ye sowm of xx libs. money forsaid or safar as ye said Maister James will grant or ye said Patrik may sufficientlie preiff & giff neid beis to poyne & distrenze yrfor eftir ye forme & tenour of or Souerane Lordis letteris in all pwyntis & partis yrof and justice equaly ministerit to bayth ye saidis partiis Bringand with ym sic rytis & ressonis as yai will wiss for yr defenss in ye said matter with dew intimatioun yt quhyr yai compeir or not day & place forsaid we will

proceid & minister justice insafer as we may of lawe & ressoun And attour at ye lauchfullie summond warne and charg ye personis & names giffin zou in bill within ye sherifdom of Aberden or in ye four halffis abowt Ilk person one ye paine of xx libs. to compeir ye saidis day & place to pass apoun ane inquest or to beir witness in ye premisses eftir ye tenour of or Souerane Lordis letteris declryt to ws yrupown and yis on nawiss ze leif ondoin as ye will ansuer to ws vpoun ye executioun of yor office. The quhilk to do we commit to you coniunctlie & severalie or full power be yis or precept deliuering ye samyn be zou dewlie execut & indorsat agane to ye berer giffin ouer or subscriptioun manuall at Huntlye ye xxviii day of Aprill the zeir of God ane thowsand fif hundreth fowrty twa zeiris.

George Erll of Huntly.

On the back of this writ are the execution containing a large number of names—some illegible—and a minute of procedure.

The second day of Maii instant ye zeir of God within writin I Andro Rychardsoun ane of ye mair deputis of ye Sherifdome of Aberdene Past at ye command of this precept within writin and lauchfullie summond warnit and chargit maister James Barclay of Kynnorroquhy and Patrick Cheyne of Essilmonth personalie appriehendit To compeir day and place within writin And heir eftir cognitioun tane in ye said mater within writin eftir ye tenor of or souerane lordis lettres and this precept direct yrupoun And in taikin heirof I deliuerit to ye said Maister James ye just copy of this precept And yreftir ye aucht nynt tent and xi and xix dayis of this instant moneth of may ye zeir of God within writin I siclik at ye command of this precept past summond warnit and chairgit George Meldrum of Fywe Dauid Gordoun of Sauchok William Strathauchin of Tibbertaw Arthur Turing in Sauchok Alexander Buchquhane of Auchmakoy William Setoun of Meldrum William Lesk of y^{t} Ilk William King of Barroch George Crawfurd of Feddraich William Crawfurd his sone and apperand air Walter Ogiluy of Boyne George Abercromy

of Birkynbog Maister Alexander Ogiluy of Glassauch James Stevart of Baddenspynk Archibald Malbuirsoun (?) in Petchandlie William Keyth in Myddiltoun (?) Johne Keyth of Northfeild William Hay in Braklaw Johne Pantoun of Petmeddan William Udny of that Ilk Johne Hay in Manye Walter Wauss in litle Drumquhandill Alexander Menzes in Waltirtoun Alexander Rutherfurd burgess of Aberdene Johne Rutherfurd Dauid Menzes burgesses of Aberdene M—— Tullidaff of Raneston Duncan Mar burgess of Aberdene Thomas Chalmer of Cults — Wod in Finnarsie Thomas Tullocht of Moncoffer [rest of line illegible] Robert Allardess of Baddinskot Thomas Alerdess in Chusne (?) John Allardess of y^{t} Ilk William Keyth in litle Haddocht Robert Stevart of Latheris Alexander Gardyn of Durlatheris Dauid Cruickschank of Darley Johne Meldrum alias Marchymont herrauld Alexander Chalmer of Balnacrag Robert Maitland of Auchincreiff James Gordoun in Cragy at thair duelling places to compeir day and place within writin to pass apon this inqueist within writin Ilk person under ye payne of xx lib. efter ye tenor of o^{r} souerane lordis lettres and this precept dyrect yrupoun And this I did befoir thir vitness Dauid Auld Johne Allan with vthers diuerss And for ye mair securite heirof I haif affixit my signet to this my Indorsatioun.

The nyntene day of May ye zeir of God within writin I Andro Rychardsoun ane of ye mairis deputis of ye Sherifdome of Aberdene Past at ye command of this precept within writin And lauchfullie summond warnit and chargit Walter Lyndesay in Ellon Dauid Tailzo^{r} in Torneischo Andro Myll at ye myll of Auchterellon John Pery ther William Smyth in Auchterellon Johne Walcar Dauid Zovng Johne Tailzo^{r} James Annand in Cwikistoun George Logy ther Andro Forsyth in Hiltoun Patrik Wmfra in Creheid Alexander Cattov in Ellon Andro Cattov in Logy Alexander Hardy Adam Cruikschank in Feithill Johne Craig in Ellon James Gorner and Alexander Huntar at ther duelling places to compeir day and place within

writin to beir leill and suthfast witnessing in ye mater within writin Ilk person under ye payne of xx lib. efter ye tenor of or souerane lordis lettres and this precept direct yrupoun And this I did befoir thir Vitnesses Dauid Auld Johne Allan with vthers diuerss And for ye mair securite heirof I haif affixit my signet to this my executioun.

Vigesimo die mensis maii anno domini millesimo quingentesimo xliio.

The said day Patrick Cheyne of Essilmont producit this precept within wrytin in jugment of ye sherif principall and his deput at ye cruif wall of ythan and desyrit process conforme to ye samen and eftir certane exceptioun proponit agains ye samen be maister James Barclay Compeirit in jugment Johne Hay in Glakreaucht as sherif in that part and producit or souerane lordis lettres impetrat be John Abbot of Deir and convent therof and chargit ye said sherif and his deputtis be vertu of ye saidis lettres to continew ye said mater contenit in this precept to ye xvi day of Junii nixt to cum for certane allegit reassonis contenit in ye saidis lettres and becauss ye said Sherif mycht nocht keip ye said xvi day he continewit ye said mater in forme fors and effect as it hes now to ye xix day of junii nixt to cum and warnit ye parties in jugment presently to compeir upoun ye ground within wrytin ye said xix day conform to ye samen precept with dew intimatioun as efferit.

Ita est Johannes Kennedy scriba deputatus dictae curiæ manu propria.

IV

Omnibus hanc cartam visuris vel audituris Georgius Meldrum de Fywe miles eternam in domino salutem. Noueritis me utilitate mea in hac parte undique preuisa et diligenter considerata ex certis causis rationabilibus animum meum ad hoc mouentibus dedisse concessisse et precise vendidisse tituloque pure venditionis alienasse et hac presente carta mea

confirmasse necnon tenore presentium vendere et precise alienare et hac presente carta mea confirmare honorabili viro Patricio Chene de Essilmont militi et domine Isobelle Bad eius sponse et eorum alteri diutius viuenti in coniuncta infeodatione heredibusque inter ipsos legittime procreatis seu procreandis quibus deficientibus heredibus propinquioribus dicti Patricii et suis assignatis quibuscunque totam et integram piscariam meam viz. nonum piscem nuncupatum ye nynt fysche totius et integre piscarie aque de Ythan viz. incipientem ad le Sekfurd de Fywe et distendendo per dictam aquam de Ythan usque ad mare cum omnibus pertinentiis jacentem infra vicecomitatum de Abirdene pro quadam certa summa pecunie mihi tempore confectionis presentis carte mee in pecunia numerata mea urgente necessitate bene et fideliter persoluta de quaquidem summa teneo me bene contentum plenarieque persolutum ac eosdem Patricium et Isobellam de eadem summa suos heredes et assignatos quitclamo et exonero per presentes imperpetuum. TENENDAM et habendam totam et integram prefatam piscariam viz. nonum piscem nuncupatum ye nynt fische predicte piscarie aque de Ythan cum suis pertinentiis prefatis Patricio Chene militi et domine Isobelle Bad sue sponse et eorum alteri diutius viuenti et heredibus de corporibus suis procreatis seu procreandis quibus forte deficientibus heredibus propinquioribus dicti Patricii et suis assignatis quibuscunque de me heredibus meis et successoribus in feodo et hereditate imperpetuum cum omni jure jurisclameo titulo proprietate et possessione per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine cum libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis procul et prope ad predictam piscariam cum suis pertinentiis seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace adeo libere in omnibus et per omnia sicut aliqua piscaria infra regnum Scotie alicui per aliquem datur conceditur venditur seu alienatur

aut dari concedi vendi seu alienari poterit qualitercunque in futurum ac sine retenimento reuocatione aut obstaculo aliquali. Reddendo inde annuatim dictus Patricius Chene de Essilmont miles et domina Isobella Bad sua sponsa et eorum alter diutius viuens et heredes sui et assignati mihi heredibus meis successoribusque et assignatis unum denarium usualis monete regni Scotie apud castrum de Essilmont ad festum Pentecostes nomine albefirme si petatur tantum pro omni alio onere exactione questione demanda seu seruicio seculari que de predicta piscaria cum pertinentiis per quoscunque juste exigi poterint quomodolibet aut requiri. Et ego vero dictus Georgius Meldrum de Fywe miles heredes mei et assignati totam et integram predictam piscariam viz. nonum piscem nuncupatum ye nynt fysche predicte et integre piscarie aque de Ythan cum suis pertinentiis dictis Patricio et Isobelle sue sponse ac eorum alteri diutius viuenti heredibusque inter ipsos legittime procreatis seu procreandis quibus deficientibus heredibus propinquioribus dicti Patricii et assignatis quibuscunque in omnibus et per omnia forma pariter et effectu ut premissum est contra omnes mortales warantizabimus acquiettabimus et imperpetuum defendemus omnibus fraude et dolo seclusis. In cuius rei testimonium huic presenti carte mee manu mea subscripte sigillum meum proprium est appensum apud Fywe vigesimo primo deo mensis Junii anno domini millesimo quingentesimo quadragesimo septimo coram hiis testibus Georgio Meldrum in Gurdes Willielmo Meldrum Domino Alexandro Traill capellano Gilberto Baxter et Domino Willielmo Procter notario Publicio.

Georg Meldrum of Fyw Knyt with my hand.

V

Marie be the grace of God Quene of Scottis To all and sindrie oure liegis and subdittis quhome it efferis quhais knawlege thir oure letteris salcum greting. Witt ye us to haue gevin and grantit and be thir oure letteris gevis and

grantis To oure louitt Patrik Chene of Essilmonth oy and air of umquhile Patrik Chene of Essilmonth Knicht his airis and assignais The warde of all and haill the fischeing callit the nynt fische of all and haill the fischeing of the watter of Ythan begynnand at the Sekfurd of Fyvie and discendand be the said watter of Ythan to the sey with all thair pertinentis liand within oure Shirefdome of Abirdene Quhilkis pertenit heretabillie to umquhile George Meldrum of Fyvie Knicht haldin be him immediatlie of us And alsua pertening heretabillie to the said umquhile Patrik Chene in tennandrie haldin be him immediatlie of the said umquhile George And throw the said umquhile George deceiss being in oure handis be ressoun of warde with all mailes fermes proffittis and dewiteis of the said fischeing callit the nynt fische within the boundis foirsaidis off all yeiris and termes bigane sen the becuming thairof in oure handis be ressoun of warde throw deceiss foirsaid and siclike of all yeiris and termes tocum during the tyme of the said warde And ay and quhill the entrie of the richteous air or airis thairto Togidder with the releiff thairof quhen it salhappin To BE HALDIN and to be hade the warde nonentres and releiff of the foirnemmit fischeing upoun the said watter within the boundis foirsaidis with the pertinentis and all males fermes proffittis and dewiteis thairof during the said space To the said Patrik his airis and assignais with all and sindrie commoditeis fredomes proffittis and richteous pertinentis quhatsumeuir pertening or that richteouslie may pertene thairto WITH POWER to the said Patrik his airis and assignais to intromet and tak up the males fermes proffittis and dewiteis of the said fischeing upoun the said watter within the boundis foirsaidis with the pertinentis of all yeiris and termes bigane and tocum during the tyme of the said warde and nonentrie at thair awin handis And thairupoun to dispone at thair plesoure And to occupy the said fischeing with thair awin covillis and nettis or sett yaim to tennentis as thai sall think expedient during the said space with all and sindrie wtheris commoditeis and fredomes ffrelie quietlie wele and in pacx But ony reuocatioun or agane calling

quhatsumeuir QUHAIRFORE we charge straitlie and commandis yow all and sindrie oure liegis and subdittis foirsaidis That nane of yow tak upoun hand to mak ony impediment latt or distrublance to the said Patrik his airis and assignais foirsaidis In the peceable brouking joising uptaking intrometting and disponing upoun the warde nonentreis and releiff of the foirsaid fischeing upoun the said watter within the boundis abouewrittin with the pertinentis and all males fermes proffittis and dewiteis thairof during the space foirsaid Eftir the forme and tennoure of thir oure letteris under all hieast pane and charge that eftir may follow GEVIN under oure priue seale AT EDINBURGH the sextene day of December The yeir of God 1m Vc thre score foure yeiris And of oure Rigime the twentiethre yeir.

Per signaturam Manu S.D.M. Regine subscriptam.

VI

OMNIBUS hanc cartam visuris vel audituris JACOBUS Ogilbie de eodem[1] salutem in Domino sempiternam. NOUERITIS me non vi aut metu ductum nec errore lapsum compulsum aut coactum sed mea mera pura libera et spontanea voluntate vtilitate et commodo meis undeque preuisis et mature consideratis dedisse concessisse vendidisse alienasse ad feodifirmam dimisisse et hac presenti carta mea confirmasse necnon tenore presentium dare concedere vendere alienare ad feodifirmam dimittere et hac presenti carta mea confirmare honorabili viro Patricio Cheyne de Essilmond et here[dibus suis] masculis Dominis

[1] Generally known as James Ogilvy of Cardell, only son of Alexander Ogilvy and his first wife, Janet Abernethy, a daughter of Lord Saltoun. On her death Alexander Ogilvy married Elizabeth Gordon, a bastard daughter of the Dean of Caithness, who induced her husband to disinherit his son in favour of John Gordon, a son of Lord Huntly, with whom she had become infatuated, and whom she subsequently married. This resulted in much civil trouble, and, as Mr. Andrew Ross points out (*Scots Peerage*, vol. iv. p. 23), had an important bearing on the relations between Queen Mary and the House of Huntly. In the long run James Ogilvy recovered his inheritance.

barronie de Essilmont Totam et integram piscariam aquarum de Ythane incipiendo ad le Mawcharfurd et dehinc ascendendo ad le Sekfurde de Fywie cum [omnibus] suis pertinentiis jacentem infra vicecomitatum de Aberdene pro quadam certa summa pecunie mihi per dictum Patricium in mea magna cognita et vrgenti necessitate persoluta in p[ecu]nia numerata et in vsum meum totaliter conuersa, de quaquidem summa pecunie teneo me bene contentum ac plenarie et integre persolutum dictumque Patricium heredes suos exequutores et assignatos de eadem quietos inde clamo et exonero tenore presentis carte mee imperpetuum TENENDAM et habendam totam et integram predictam piscariam aquarum de Ythane cum omnibus suis pertinentiis prefato Patricio et heredibus suis masculis ut premittitur de me heredibus meis et successoribus in feodifirma et hered[ita]te imperpetuum per omnes rectas metas suas antiquas et diuisas prout jacet in longitudine et latitudine cum libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac justis suis pertinentiis quibuscumque tam non nominatis quam nominatis procul et prope ad predictam piscariam cum suis pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace adeo libere in omnibus et per omnia sicut aliqua piscaria infra regnum Scotie alicui per aliquem datur conceditur venditur seu alienatur aut dari concedi vendi seu alienari poterit qualitercumque in futurum ac sine retinemento reuocatione aut obstaculo aliquali. REDDENDO inde annuatim dictus Patricius Cheyne de Essilmond et heredes sui antedicti mihi et heredibus meis et successoribus [sum]mam triginta librarum vsualis monete regni Scotie in festo ad vincula Sancti Petri Lammes nuncupato nomine feodifirme tantum pro omni alio onere exactione questione deman[da] seu servicio seculari que de predicta piscaria cum pertinentiis per quoscumque juste exigi poterunt quomodolibet vel requiri. Et ego vero dictus Alexander Ogilwye de eodem heredes mei [et] assignati totam et integram predictam piscariam aquarum de Ythane cum suis pertinentiis

dicto Patricio et heredibus suis masculis antedictis in omnibus et per omnia form [a pariter] et effectu ut premissum est contra omnes mortales varantizabimus acquietabimus et imperpetuum defendemus. Insuper dilectis meis Willielmo Forbes de Bayruis et eorum cuilibet coniunctim et diuisim balliuis meis ad effectum subscriptum specialiter constitutis quibus precipio et firmiter mando quatenus visis presentibus et indelate Pat[ricio Cheyne] de Essilmont et heredibus suis masculis antelatis statum sasinam et possessionem corporalem et actualem predicte piscarie aquarum de Ythane per rethis et cymb . . . tionem vel eorundem certo procuratori latori presentium secundum formam superscripte carte eidem Patricio inde confecte tradatis et deliveretis. Ad quod faciendum tenore presentium committo. . . . In cuius rei testimonium presentibus manu mea subscriptis sigillum meum proprium est appensum Apud Fyndlatter xxiii° die mensis Martii anno Domini millesimo quingen[tesimo] sexagesimo quinto coram his testibus Michaele Ogilvie de Cultis Dauide Ogilwye Georgio Ogilwye meis seruitoribus magistris Willielmo Lawtye Arthuro Cheyne cum diuers[is aliis].

James Ogilby of that Ilk.

VII

In Dei Nomine amen per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno incarnationis diuine millesimo quingentesimo sexagesimo septimo mensis vero maii die vigesimo sexto indictione pontificatus Pii diunia prouidentia Pape anno in mei notarii publici et testium subscriptorum presentia personaliter constitutus probi indolis puer Valterus Ogilby nepos et heres apparens honorabilis viri Jacobi Ogilby de eodem de Findlatter habens et tenens in manibus suis quoddam preceptum Cancellarie Supreme Domine nostre Regine eidem confectum de et super terris barroniis molendinis piscariis officio et aliis infrascriptis pro sasina hereditaria eidem desuper danda pergameno scriptum

datum sub testimonio magni sigilli dicte supreme Domine nostre Regine quodquidem preceptum prefatus Valterus discreto viro Jacobo Ogilby filio quondam Johannis Ogilby de Forskan vicecomiti de Banff in hac parte virtute dicti precepti specialiter constituto exhibuit et presentauit Quoquidem preceptum prefatus vicecomes ad manus recepit et mihi notario publico subscripto perlegendum publuandum et interpretandum seu exponendum contulit Quod ego ab eodem recipiens alta et intelligibili voce perlegi et in vulgari nostro idiomale exposui et publuaui Cuiusquidem precepti tenor sequitur et est talis Maria Dei gratia Regina Scotorum vicecomiti et balliuis suis de Bamff necnon dilectis nostris Jacobo Ogilby filio quondam Johannis Ogilby de Glashauch ac eorum cuilibet coniunctim et diuisim vicecomitibus nostris de Bamff in hac parte salutem Quia post nostram legittimam et perfectam etatem in Parleamento nostro declaratam dedimus et concessimus dilecto nostro Valtero Ogilby nepoti et heredi apparenti Jacobi Ogilby de eodem et de Findlatter suisque heredibus masculis respectiue et successiue Omnes et singulas terras et baroniam de Ogilby inferius specificatas viz: Findlatter Deskfurd cum molendinis multuris piscariis siluis forestis lie perkis turribus fortaliciis tenentibus tenandriis liberetenentium serviciis earundarum terras de Blairschynoth Castelfeild et Castelzardis cum officio Constabularie de Cullen et terras constabularias Pettinbrunganis vocatas cum partibus pendiculis lie outsettis annexis connexis et suis pertinentiis aduocatione donatione et jure patronatus ecclesiarum et capellaniarum de Cullan et de Deskfurd jacentibus in baronia de Ogilby per anexationem infra vicecomitatum nostrum de Bamff Ac totam et integram piscariam super aqua de Ythane cum tenentibus tenandriis et suis pertinentiis jacentem infra vicecomitatum nostrum de Aberdene. Quequidem omnes et singule terre et baronie de Ogilby Findlatter Deskfurd Blairschyne Castlefeild Castellzairdis officium de Constabularie de Cullan terre constabularie Pettinbrunganis ac dicte aducatio donatio et jus patronatus ecclesiarum et capellaniarum de Cullan et Deskfurd ac dicta piscaria super aqua de

Ythane cum molendinis multuris piscariis siluis forestis lie parkis turribus fortaliciis partibus pendiculis lie outsettis annexis connexis tenentibus tenandriis libere tenentium seruiciis earundem respectiue et suis pertinentiis dicto Jacobo Ogilby de eodem perprius hereditarie pertinuerunt et quas ipse pro perimpletione cuiusdam contractus hac in parte eiusdem penes sequentem resignationem inter consanguineum nostrum Jacobum Dominum Ogilby ex una et dictum Jacobum pro seipso et tanquam tutore datiuo dicti sui nepotis nomine eiusdem sui nepotis et seipsum pro suo nepote onerantem ex altera partibus initi et confecti prout contractus in libris Consilii registratus desuper confectus latius proportat pure et simpliciter per procuratores suos et literas patentes suas ad hoc legittime constitutos in manibus nostris tanquam in manibus sui superioris earundem apud Edinburgum per fustum et baculum sursum reddidit et resignauit reservante suo libero tenemento sibimet pro toto tempore vite sue INSUPER pro diuersis causis et considerationibus nos tamen ratificamus approbamus et confirmamus unionem et annexationem dicte baronie de Ogilby et aliarum terrarum et baroniarum officii constabularie terrarum constabulariarum aduocationis donationis juris patronatus et piscarie superius specificatas cum molendinis multuris piscariis siluis forestis lie parkis turribus fortaliciis partibus pendiculis lie outsettis annexis connexis tenentibus tenandriis liberetenentium seruiciis earumdem et suis pertinentiis unitis et annexatis per quoscunque nostros predecessores per prius in seu ad dictam baroniam de Ogilby necnon de nouo unimus et annexamus et interponamus easdem in et ad dictam baroniam de Ogilby vocantem baroniam de Ogilby et in integram et liberam baroniam perpetuo tempore affuturo remanentes Ac decernimus et ordinamus quod unita sasina inde per dictum Valterum et suos heredes masculos tempore affuturo apud castrum de Findlatter capienda satis et sufficiens erit sasina pro dicta baronia de Ogilby et omnibus aliis [predictis ?] ad hujusmodi ut premissum est unitis et annexatis similiter ac si particularis sasina apud quemlibet partem earundem caperetur

non obstante quod non immediate contigue nec infra vestrum vicecomitatum jacent Super quo per presentes dispensamus prout in carta nostra desuper confecta latius continetur vobis precipimus et mandamus quatenus prefato Valtero vel suo certo actornato latori presentium sasinam predictarum terrarum et baronie officii constabularie advocationis donationis juris patronatus et piscarie superius nominate cum molendinis multuris piscariis castris turribus fortaliciis siluis lie parkis forestis partibus pendiculis annexis connexis tenentibus tenandriis liberetenentium seruiciis earundem et suis pertinentiis secundum tenorem dicte nostre carte quam de nobis inde habet juste haberi faciatis et sine dilatione et hoc nullo modo omittatis Reseruato tamen dicto Jacobo Ogilby de eodem libero tenemento seu vitali redditu omnium et singularum prefatarum terrarum baroniarum officii constabularie terrarum constabulariarum aduocationis donationis juris patronatus et piscarie superius mentionate cum molendinis multuris piscariis castris turribus fortaliciis siluis lie parkis forestis partibus pendiculis annexis connexis tenentibus tenandriis liberetenentium seruiciis earundem respectiue et suis pertinentiis pro omnibus vite sue diebus. Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim vicecomitibus nostris de Bamff in hac parte committimus potestatem datum sub testimonio nostri magni sigilli apud Edinburgum octauo die mensis maii anno domini millesimo quingentesimo sexagesimo septimo et regni nostri vicesimo quinto. Post cuiusquidem precepti lecturam et publicationem ut prefatus Valterus Ogilby dictum Jacobum Ogilby vicecomitem antedictum humiliter et cum instantia requisiuit quatenus ad executionem juxta tenorem eiusdem procedere dignaretur quiquidem vicecomes sentiens hujusmodi requisitionem concessit [illegible] castrum de Findlatter et ibidem statum et sasinam hereditariam ac possessionem realem actualem et corporalem omnium et singularum predictarum terrarum et baronie de Ogilby Findlatter Deskfurd cum molendinis multuris piscariis siluis forestis lie parkis turribus fortaliciis tenentibus

tenandriis et liberetenentium seruiciis earundem terrarum de Blairschynoth Castellfeild et Castelzairdis cum officio constabularie de Cullane et terrarum constabulariarum Pettinbringandis vocatarum cum pertinentiis et pendiculis lie outseittis annexis connexis et suis pertinentiis aduocatione donatione et jure patronatus ecclesiarum et capellaniarum de Cullane et Deskfurd predictarum et totius et integre piscarie super aqua de Ythane cum tenentibus tenandriis et suis pertinentiis prefato Valtero Ogilby presenti et acceptanti per terre et lapidis donationem ut moris est secundum tenorem precepti antedicti dedit contulit ac realiter et cum effectu deliberauit eundemque Valterum in realem actualem et corporalem possessionem earundem induxit instituit et inuestuit inductumque et inuestitum pacifice reliquit nemine contradicere Necnon prefatus Jacobus vicecomes in hac parte antedictus ad requisitionem prefati Valteri accessit ad terras et villiam de Inzattrie tamquam principale messuagium prefatarum terrarum de Deskfurd et terras de Castelfeild predictas respectiue et ibidem prefato Valtero similiter presenti et acceptanti statum et sasinam hereditariam ac possessionem realem actualem et corporalem omnium et singularum predictarum terrarum de Deskfurd cum molendinis multuris siluis forestis lie parkis turribus fortaliciis tenentibus tenandriis liberetenentium seruiciis earundem necnon predictarum terrarum de Castelfeild et Castelzairdis cum officio constabularie de Cullane et terrarum constabulariarum Pettinbringandis vocatarum cum partibus pendiculis lie outsettis annexis connexis et suis pertinentiis aduocatione donatione et jure patronatus ecclesiarum et capellaniarum de Cullane et Deskfurd respectiue et successiue modo et forma quibus supra dedit contulit ac realiter et in effectu deliberauit. Reseruato tamen dicto Jacobo Ogilby de eodem libero tenemento seu vitali redditu omnium et singularum prefatarum terrarum baroniarum officii constabularie terrarum constabulariarum aduocationis donationis juris patronatus et piscarie superius specificatarum cum molendinis multuris piscariis castris turribus fortaliciis siluis lie parkis forestis partibus

pendiculis annexis connexis tenentibus tenandriis et libere tenentium seruiciis earundem respectiue et suis pertinentiis pro omnibus vite sue diebus Super quibus omnibus et singulis prefatus Valterus Ogilby a me notario publico subscripto sibi fieri petiit respectiue et successiue instrumentum publicum unum siue plura acta erant hec apud prefatum castrum de Findlatter apud prefatas terras et villam de Inzattrie et terras de Castelfeild antedictas respectiue et successiue horas circiter terciam quartam et sextam postmeridianas respectiue sub anno die mense indictione et pontificatus quibus supra PRESENTIBUS ibidem honorabilibus viris Georgio Ogilby de Quhanzame, Michaele Ogilby de Cultis, Jacobo Ogilby in Cullen, Johanne Ogilby de Forskan, Alexander Ogilby filio dicti Georgii Ogilby, Domino Georgio Duff proposito ecclesie collegiate de Cullen, Domino Georgio Hay uno prebendariorum ejusdem, Alexandro Ogilby et Georgio Ogilby testibus ad premissa vocatis et rogatis.

ROYAL PROCLAMATIONS

INTRODUCTORY NOTE

The following documents, printed from the originals, consist of two proclamations by Queen Anne, and one by her brother the exiled king, and an account of the proclamation in Glasgow of the accession of the Elector of Brunswick-Lunenburg, generally known as the Elector of Hanover.

ROYAL PROCLAMATIONS

I

A PROCLAMATION

ANNE R.

Whereas We have Received certain Information, That the Person [1] who, during the Life of the late King James the Second, Pretended to be Prince of Wales and since his Decease has taken upon himself the Stile and Title of James the Third, King of England, and James the Eighth, King of Scotland, being bred up in the Popish Superstition, and instructed to introduce the French Government into all Our Realms and Dominions, Openly and Traiterously has undertaken an Invasion of this Our Kingdom of Great Britain, with an Armed Force of the French King's Troops, Our Declar'd Enemies, and of divers of Our Rebellious Subjects, who have Traiterously Adhered to Our said Enemies, in manifest Violation of Our Lawful and Rightful Title to the Crown of these Realms, and of

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[1] One of the most impudent acts of William of Orange and his associates was to assert that the son of James VII. and Mary of Modena, born on 10th June 1688, was not their child at all, but a strange infant that, by means of a warming pan, had been surreptitiously introduced into the Queen's bed. This lie was adroitly utilised in William's declaration of 'the reasons inducing him to appear in arms in the Kingdom of England for preserving of the Protestant Religion and for restoring the Laws and Liberties of England, Scotland, and Ireland,' and proved of considerable service in promoting what used to be called 'The glorious Revolution.' It also made easy the passing of a special Act in March 1702 by which the young prince, then aged fourteen, was attainted of treason and made liable to the atrocious penalties of English law in the event of his falling into the hands of his sister's husband.

This shameless attitude towards her brother was shared by his complaisant wife, and after her accession was publicly maintained by Queen Anne, though latterly at least she appears to have been fully convinced that he was her father's son.

the several Acts of Parliament made, as well for Recognizing the same, as for Settling the Succession to the said Crown in the Protestant Line: And Whereas the said Pretended Prince stands now Attainted of High Treason by an Act of Parliament made in England, in the Thirteenth Year of the Reign of Our late Brother King William the Third, of Glorious Memory, and all manner of Correspondence with the said Pretended Prince, or any of his Adherents, is hereby forbid to all Our Subjects, upon Pain of High Treason: And altho' all Persons, as well in Criminal as other Cases, are bound to take Notice of the Law at their Peril; yet to the Intent that none may think to escape due Punishment, by pretending Ignorance of the Nature of their Crimes, and that nothing may be wanting on Our Part, for the Defence and Preservation of Our Faithful and Loving Subjects; We have therefore thought fit, by the Advice of Our Privy-Council, and in pursuance of the Humble Address [1] of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, to Publish and Declare the said Pretended Prince, and all his Accomplices, Adherents, Abettors and Advisers, to be Traitors and Rebels. And we do hereby strictly Command and Require all Our Good Subjects to use their utmost Endeavours to Seize and Apprehend the said Pretended Prince, if he shall at any time be found within any Part of Our Realms or Dominions, and all his Traiterous Confederates and Adherents, and all and every Person and Persons, who shall be Aiding and Abetting to the aforesaid Traitors and Rebells, and to Secure their Persons till Our further Pleasure shall be known. And We do hereby further strictly Charge and Command all Popish Recusants, Natives and Denizens, who shall be above the Age of Sixteen Years, That they do, according to the Statutes in that behalf made, Repair to their respective Places of Abode, and do not thence Remove or Pass above the Distance of Five Miles, until Our Will and Pleasure be further Declared. And We do likewise Charge

[1] For what appears to be the address referred to, see Cobbett's *Parliamentary History of England*, vi. p. 517.

and Command all Papists and Persons reputed so to be, except Merchant Strangers, Settled Housholders, and other Persons excepted in the Statutes made in this behalf, on or before the Eleventh Day of this instant March, to Depart out of Our Cities of London and Westminster, and from all Places within Ten Miles Distance of the Same. And We do hereby Command the Lord Mayor of London, and all other Justices of the Peace, and other Officers within the Said Cities, and Ten Miles of the same, That they make Search for, and Proceed, against all such of them as shall presume to Remain, Repair or Return within the Limits aforesaid, by Tending to them the Declaration mentioned in the Statute made in the First Year of the Reign of Their late Majesties King William and Queen Mary, of Blessed Memory, Intituled, An Act for the Amoving Papists and Reputed Papists from the Cities of London and Westminster, and Ten Miles Distance from the same—And we do likewise Charge and Command all Justices of the Peace, who shall know or be informed, That any Person be Suspected to be a Papist, or Disaffected to Our Government, to Tender to such Person the Declaration aforesaid, and Proceed thereupon by Seizing the Horses and Arms of such Person, and otherwise, according to One other Act made in the said First Year of the Reign of Their said late Majesties King William and Queen Mary, Intituled, An Act for the better Securing the Government, by Disabling Papists and Reputed Papists. And for the better Discovery of Persons who are Disaffected to Our Government, We do likewise Command all Justices of the Peace, and other Officers in that behalf Authorized, to Tender unto such Person or Persons, as they shall find or be informed are Suspected not to be Well-affected to Our Person or Government, the Oaths that are Appointed by an Act made in the said First Year of the Reign of Their said late Majesties King William and Queen Mary, Intituled, An Act for the Abrogating the Oaths of Supremacy and Allegiance, and Appointing other Oaths: And in case any such Person or Persons who shall Refuse to Take the same, We do hereby Require due

Prosecution to be made thereupon; And in Order thereunto, the said Justices of the Peace are to Make and Keep Entries and Records of such their Proceedings, that the said Oaths may again be tendered to The Person or Persons who shall so Refuse the same. And We do hereby particularly Charge and Require all Deputy-Lieutenants and Justices of the Peace, That they do frequently meet to Enquire into, and Inform themselves of the affairs of their respective Counties in relation to the Premisses, and take special Care to Preserve the Peace, and Prevent all Unlawful Meetings and Assemblies; and that from time to time they do give Information of their Proceedings and Discoveries to the Lords of Our Privy Council. And We do likewise hereby Charge and Command all Our Lord-Lieutenants, Deputy-Lieutenants, Sheriffs, Bailiffs of Regalities, Justices of the Peace, Mayors, Provosts, Bailiffs, and all other our Officers Civil and Military, strictly to put in Execution all Laws and Statutes whatsoever now in Force within Our Kingdom of Great Britain, against such Persons as have Refused, or shall Refuse to take the Oaths Required by Law.

Given at Our Court at Kensington the Sixth Day of March, in the Sixth Year of Our Reign.[1]

God save the Queen.

London, Printed by Charles Bill, and the Executrix of Thomas Newcomb, deceas'd; Printers to the Queens Most Excellent Majesty. 1707.

II

BY THE QUEEN

A Proclamation

Anne R.

We being Informed, That the Streets and Passages leading through Our Cities of London and Westminster,

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[1] She succeeded to the throne 8th March 1702. It was on 7th March 1707 that the Royal assent to the Act approving the Treaty of Union with Scotland was declared in a speech from the throne.

and Suburbs thereof, have been filled of late with great numbers of Loose, Idle, and Disorderly Persons, who Resort thither in Crouds, and in a Riotous Tumultuous manner offer Violence to the Persons and Coaches of divers of Our Liege Subjects, whose Lawful Occasions require them to Pass and Repass the same, which at this Time greatly tends to the Obstruction of the Course of Justice in Our High Court of Parliament; and that among these Disorderly Rabble there are divers Papists, Persons Disaffected to Our Government, who have never taken any Oaths appointed by Law to be taken, to bear Faith and true Allegiance to Us; but in Open Defiance of Our Regal Authority, as Enemies of Our Crown and Dignity, have so far Transgressed the known Laws of this Land, as in a Rebellious Manner to appear in many Places of Our said Cities and Suburbs, bearing weapons in their Hands and with Force Breaking open and Entring divers Houses and Edifices belonging to Our Subjects, in several Parts of Our said Cities and Suburbs: And having received an Humble Address from Our Commons of Great Britain, in Parliament Assembled, Expressing their just Detestation and Abhorrence of these Wicked, Seditious, and Traiterous Practices; and Beseeching Us, that We would be Graciously Pleased to take Effectual Measures to Suppress these Tumults, Set up and Fomented by Papists, Nonjurors, and other Enemies to Our Title and Government, as aforesaid, and to Issue forth Our Royal Proclamation, Promising a Reward to such as shall Discover and Seize these Incendiaries as have been the Occasion of the said late Tumults and Disorders: We taking the Premisses into Our Royal Consideration, by the Advice of Our Privy Council, and in pursuance of the said Humble Address of Our said Commons in this present Parliament Assembled, Have thought fit to Put forth this Our Royal Proclamation, to Declare, That all such Rioters, Traitors and Rebels and all their Accomplices, Adherents, Abettors, and Advisers, shall be forthwith Proceeded against according to the utmost Severity of Law. And We do hereby strictly Charge and Require all Our Good Subjects, to use their

utmost Endeavours to Seize and Apprehend the Persons of all such Rioters, Traitors, and Rebels, and their Accomplices, and to Secure the same in safe Custody, until Our further Pleasure shall be known. And We do hereby Promise and Declare, That whoever shall Discover any such Incendiaries as have been the Occasion of the late Tumults and Disorders, or have been Active in Exciting, and Stirring up the same, so as he or they may be brought to Justice, shall have and Receive, as a Reward for such a Discovery, the Sum of One hundred Pounds. And we do also strictly Charge and Command all Papists, who shall be above the age of Sixteen Years, That they do, according to the Statutes in that behalf made, Repair to their respective Places of Abode, and do not thence remove or pass above the Distance of Five Miles, until Our Will and Pleasure be further Declared: And that all such Papists, and Persons reputed so to be (Except Merchants, Traders, Settled Housholders, and other Persons Excepted in the Statutes made in this Behalf) do, on or before the Eighth Day of this Instant March, Depart out of Our said Cities and Suburbs of London and Westminster and from all Places distant Ten Miles from the Same. And we do hereby Command the Lord Mayor of London, and all other Justices of the Peace, and other Officers within the said Cities, and Ten miles from the same, That they make Search for, and Proceed against all such Papists, and other Persons Disaffected to Our Government, as they shall find, and be informed are not Demeaning themselves according to Law. And We do like wise Command all Justices of the Peace, and other Officers in that behalf Authorized, to Tender unto Such Person or Persons as they shall find, or be informed are suspected not to be well Affected to Our Government, the Oaths that are Appointed by an Act made in the First Year of the Reign of Their late Majesties King William and Queen Mary, Intituled [An Act for Abrogating the Oaths of Allegiance and Supremacy, and Appointing other Oaths], And in case any such Person or Persons shall refuse to take the same, We do hereby Direct and Require due Prosecution to be

made thereupon. And We do hereby strictly Charge and Require all Deputy Lieutenants, and Justices of the Peace, That they do frequently Meet to inquire into, and inform themselves of the Affairs of their respective Districts, in relation to the Premisses; and that they take especial Care to preserve the Peace, and prevent all Unlawful Meetings and Riotous Assemblies; and that from time to time, they do give Informations of their Proceedings and Discoveries to the Lords of our Privy Council. And We do likewise Charge and Command all Lord Lieutenants, Deputy Lieutenants, Sheriffs, Justices of the Peace, Mayors, Bayliffs and all other Our Officers Civil and Military strictly to put in Execution all Laws and Statutes whatsoever, now in force against Treasons, Traiterous Conspiracies, Riots, Routs, Unlawful Assemblies and other Breaches of the Peace, and against such Persons as have refused, or shall refuse to take the Oaths required by Law.

Given at our Court at St. James's this Second Day of March, In the Eighth Year of Our Reign.

God Save the Queen.

London, Printed by the Assigns of Thomas Newcomb, and Henry Hills, deceased; Printers to the Queen's Most Excellent Majesty. 1710.

III

JAMES R.[1]

James the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, etc.: To all Kings, Princes, and Potentats, and our Loving Subjects, Greeting.

In such an extraordinary and important conjuncture in which not only our Hereditary Right to our Crowns is so unjustly violated, but the interest of all the Sovereign

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[1] So far as the editor can ascertain, this proclamation has escaped the notice of writers on the history of this period.

Princes of Europe is so deeply concern'd, we could not be silent without being wanting to ourself and them.

Every body knows that the Revolution in the year 1688 ruin'd the English Monarchy and lay'd the foundation of a Republican Government, by devolving the Soveringn power on the People, who assembl'd themselves without any Authority, voted themselves a Parliament, and assum'd a Right of deposing and electing Kings contrary to the fundamentall Laws of the Land, and the most express and solemn Oaths that Christians are capable of taking. And no body can be ignorant how unjustly the late King our Father, of blessed memory, suffered by this unjustifiable Revolution.

After his Demise, his Crowns which the Prince of Orange had usurp'd, being then rightfully ours, according to the fundamentall Laws of the Land, we immediately claim'd our Right to the Same by a Declaration under our great Seal dated at St. Germains, 8 Oct. 1701, and as soon as it pleas'd Divine Providence to enable us to attempt the recovery thereof, we readily embrac'd the occasion, and 'tis sufficiently known that the miscarriage of the expedition could not be imputed to us.

When we found after this that a Treaty of Peace was upon the point of being concluded without any regard had to us, we publish'd our Protestation dated at St. Germains the 25 April 1712, in the most solemn and most Authentick manner our Circumstances would then allow of, asserting thereby our incontestable Right to our Crowns, and protesting against whatever might be stipulated in the said Treaty to our prejudice.

Tho' we have been oblig'd since that time to remove from France to a remoter place, we have still continued to have our Kingdoms and our People in our view, to whom we are convinc'd that God in his mercy will sooner or later restore us; and notwithstanding the malice and open Rebellion of some and the forc'd compliance of others, we have never ceas'd to hope that God would in time open our People's eyes, and convince them not onely of the notorious injustice to the Crown and us, but of the dangerous

consequences thereof for themselves. It is not our interest alone we are concern'd for, our naturall and unalterable love for our People is such, that as we could not see without grief their blood and Treasure lavish'd in the last war in opposition to our undoubted Right, so we can not now with less sorrow see them expos'd to be subjected to an Arbitrary Power, and become a prey to foreigners.

Besides that the Elector of Brunswick is one of the remotest Relations we have, and consequently one of the remotest Pretenders to our Crowns after us, it is evident that nothing is more opposite to the Maxims of England in all respects than that unjust settlement of the Succession upon his family. He his [*sic*] a foreigner, a powerfull Prince, and absolute in his own Country, where he has never met with the least contradiction from his Subjects: He is ignorant of our Laws, Manners, Customs and Language, and supported by a good Army of his own People, besides the assistance which a neighbouring State is oblig'd to grant him upon demand, and many thousands of Aliens refug'd in England these thirty years past, who haveing their dependance wholy upon him will be ready to stand by him upon all occasions.[1]

Moreover what can our Subjects expect but endless wars and Divisions from subverting so sacred and fundamentall a Constitution as that of Hereditary Right, which has still prevail'd against all usurpations how successful and for how long time soever continued, the Government finding still no rest till it return'd again to its true Center. And how can they be ignorant of the just pretentions of so many other Princes that are before the House of Hanover, whose Right, after us, will be as undoubted as our own, and who neither want will nor power to assert it in their turns, and to intail a perpetuall war upon our Kingdom, with a Civill war in their own bowels, which their Divisions will make unavoidable.

From all which it is plain our People can never enjoy any lasting peace or happiness till they settle the succession

[1] It is well known how the interests of this country were systematically sacrificed to those of Hanover by the early Georges.

again in the right Line, and recall us the immediat Lawfull Heir, and the onely born English-man now left of the Royall family.

This being certainly the true interest of Great Britain we had reason to hope that a wise People would not have lost so naturall an occasion of recalling us as they have lately had, since they could not but see by all the steps we have hitherto made that we had rather ow our Restoration to the good will of our People than involve them in a war tho' never so just ; Besides that they knew or might have known the reiterated inviolable assurances we have given them under our hand ; that whensoever it should please God to restore us, we would make the Laws of the Land the Rule of the Government, and grant to our Subjects a generall Indemnity for whatever has been done contrary to the said Laws, and all the Security and Satisfaction they could desire for the Preservation of their Religion, Rights, Libertys and Propertys.

Yet, contrary to our expectations, upon the death of the Princess owr Sister (of whose good intention towards us we could not for some time past well doubt,[1] and this was the reason we then sat still, expecting the good effects thereof, which were unfortunately prevented by her deplorable death) we found that our People instead of takeing this favorable opportunity of retriveing the honour and true interest of their Country by doing us and themselves justice, had proclaimed for their King a foreign Prince to our prejudice contrary to the fundamentall and incontestable Laws of Hereditary Right, which their pretended Acts of settlement can never abrogat.

After this height of injustice we then thought ourselves bound in honour and duty and indissensably oblig'd by what we ow to ourself, to our Posterity, and to our People, to endeavour to assert our Right in the best manner we could ; accordingly upon the first notice sent us we parted from our ordinary Residence in order to repair to some part of our Dominions, and there to put ourself at the

[1] *Vide* Macpherson's *Original Papers*, ii. 222 *et seq.*, for a letter of May 1711 in which he asked the Queen to name him as her heir.

head of such of our Loyall Subjects as were dispos'd to stand by us, and defend us and themselves from all foreign Invasion: But in our passing through France to the Sea-coast, we were there not onely refus'd all succour and assistance, upon account of the ingagements that King is under by the late Treaty of Peace,[1] but we were even debarr'd passage, and oblig'd to return back to Lorraine.

After meeting with such sensible disappointments from all sides, the onely comfort left us, is, that we have done our part at least to attain our just ends, and have nothing upon that score to reproach ourself with; and as our Cause is just we doubt not but God will in his own due time furnish us with new means to support it, and that he will at last touch the hearts of our Subjects with a true sense of the crying injury they have done us and themselves, and move them effectually to return to their duty.

We likewise hope that all Christian Princes and Potentats who are now in Peace together will reflect upon the dangerous example is here given them, and the formidable effects they are threatened with from such an united force as that of England and Hannover, and that they'l seriously consider whether the exorbitant power that now accrues to the House of Brunswick be consistent with the ballance of power they have been fighting for all this last war. And therefore we call on them for their assistance for the recovery of our Dominions, which their interest as well as honour ingages them to grant to us as far as they are able.

In the mean time, in the Circumstances we are in, we have nothing left in our power to do at present but to declare to the world that as our Right is indefeasible, so we are resolv'd with the help of God never to depart from it but with our life. And we do therefore here solemnly protest again in the strongest manner we are capable of, against all injustices that have been, or shall hereafter be done to the prejudice of us, our Lawfull Heirs, or Successors,

[1] The Treaty of Utrecht in 1713.

reserving and asserting by these presents under our great Seal all our Rights, Claims and Pretentions whatsoever, which do, and shall remain in their full force and vigour, declaring that after this we shall not think ourself answerable before God or man for the pernicious consequences which this new usurpation of our Crowns may draw upon our Subjects and upon all Christendom. Given at our Court at Plombieres the 29 day of April 1714 and in the 13 year of our Reign.

IV

ACCOUNT of the Proclamation in Glasgow on 6th August 1714 of the ELECTOR OF HANOVER as KING GEORGE I.

Glasgow, the Sixth of August, 1714 Years.

Whereas it hath pleased Almighty God to Call to His Mercy our late Soveraign Lady Queen Anne, of Blessed Memory, by whose Decease the Imperial Crowns of Great Britain France and Ireland, are Solely and Rightfully come to the High and Mighty Prince George Elector of Brunswick-Lunenburg;[1] And whereas the Lords Spiritual and Temporal of the Realm, Assisted with those of Her late Majesty's Privy-Council, with Numbers of other Principal Gentlemen of Quality, with the Lord Mayor, Aldermen and Citizens of London, did, by a Proclamation, given at St. James's the First Day of August 1714, Publish and Proclaim, That the High and Mighty Prince George, Elector of Brunswick-Lunenburg, is now, by the Death of our late Sovereign, of Happy Memory, become our only Lawful and Rightful Liege Lord, George, by the Grace of God, King of Great Britain France and Ireland, Defender of the Faith &c. And whereas, a Copy of the said Proclamation has been sent to the Lord Provost of Glasgow, in Order to Proclaim his Royal Majesty, Therefore We the Lord Provost, Magistrates and Town Council of

[1] Any one desiring information regarding the descent and titles of this family is referred to *The Book of Dignities*, *sub voce* Brunswick.

Glasgow, being Assisted with several Noblemen and Principal Gentlemen of Quality and Burgers of the City, do now, with one full Voice and Consent of Tongue and Heart, publish and Proclaim, That the High and Mighty Prince George Elector of Brunswick-Lunenburg, is now, by the Death of our late Soveraign of Happy Memory, become our only Lawful and Rightful Leige Lord, George, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith &c. To whom we do Acknowledge all Faith and constant Obedience, with all hearty and humble affection; Beseeching God, by whom Kings and Queens do Reign, to bless the Royal King George with Long and Happy Years to Reign over us.

God Save the King.

Lord Hope
Lord Ross
Lord Pollock
Sr. Rob. Pollock of that Ilke
Sr. James Lockhart of Carstairs
Porterfield of that Ilke
Col. Campbell of Blythswood
Ja. Hamilton of Aitkenhead
Jo. Grahame of Dougalstoun
Dan. Campbell of Shawfield
Jo. Maxwell of Blawarthill
Mr. Wm. Muir of Glandersston.
Wal. Stewart of Pordevan
Geo. Maxwell of Southbar
Mr. And. Lawder Advocate
Ja. Douglas of Manies
Jo. Wallace of Eldersly
Jo. Govane of Hoggingfield
Ja. Peadie of Ruch-hill
Jo. Spreul of Milntoun
Ja. Dunlop of Garnkirk
Tho. Peter of Cardarroch
Ja. Anderson of Stobcross
Rob. Sanders of Aldhouse
Cha. Stewart of Stewartsrace
John Waddrop of Westthorn
Gilbert Buchannan of Bankell
Jo. Simpson of Kirktonhall
Provest Corbet of Dumfries
The Principal of the University
Jo. Luke of Claythorn
Mr. Rob. Stewart

Captains of the Train Bands

Tho. Smith	Jo. Brown
	Dav. Robb
Geo. Buchanan	Cha. Miller
Ja. Maxwell	Rob. Robertson
Tho. Orr	Rob. Bogle
Jo. King	Adam Montgomrie
Jo. Miller	Hugh Rodger
Jo. Mcdonald	Jo. Grahame
Gav. Struthers	Rob. Cross
Jo. Stark	Will. Carlile
Hugh Mcbryd	

John Aird Provost

John Bowman
Will Anderson } Baillies
Pat. Mitchell

Tho. Smith Dean of Guild	Tho. Hamilton, Chyr.
Tho. Peter	Math. Gilmoure
Rob. Bogle	Jo. Craig
Wm. Dickie	Jo. Armour
Peter Murdoch	Fran. Stevenson
Hen. Smith	Wm. Telfer
Rob. Robertson	Rob. Stevenson
Rob. Alexander	Ja. Mitchell
Zach. Murdoch	Fran. Hopkirk
Jo. Stirling	And. Scott
Jo. Whythill, Thesaurer	Jo. Johnstoun, Professor
Jo. Grahame, D. Conveneer	Dr. Maitland
Tho. Hamilton, Maltman	Dr. Brisband

The Proclamation of the King was made by the Lord Provost over the Tolbooth Stair-head, and the Burgers and Inhabitants of the City appeared in their Arms, and with Orange Ribbons in their Hats; in Remembrance of the Glorious Deliverance of the Nation from Popery & Slavery, by King William and Queen Mary, To whom under God is to be ascribed the Present Happy Settlement

of the Crown, in the Illustrious and Mighty Prince George Elector of Brunswick-Lunenburg: The Kings Health, His Royal Highness The Prince, and the Lords Justices, was drunk on the Tolbooth Stair-head, at Each of which Healths, the Burgers Drawn up in three Batalions Discharged their Pieces, followed with Loud Huzza's of the People. Never was known such Satisfaction as appeared in the Behaviour of Persons of all Ranks, The Night Concluded with Ringing of Bells, Illuminations and Bonfires and other Demonstrations of Joy.

Glasgow, Printed by Hugh Brown, Printer to the University. 1714.

MISCELLANEOUS PAPERS

INTRODUCTORY NOTE

Out of a large number of miscellaneous documents which Sir William Fraser had gathered together, those that follow have been selected either as interesting in themselves, or as throwing light on matters of general or local history or on the social conditions of the time to which they relate. They are printed in chronological order.

MISCELLANEOUS PAPERS

(1)

Impignoratio bosci de Kelbrochacha

Omnibus hoc scriptum visuris vel audituris, Eugenius filius Connyg[1] salutem in domino. Noverit universitas vestra me impignorasse totum boscum meum de Kelbrochachi cum omnibus rectis divisis suis et justis pertinenciis et omnimodis aysiamentis viris religiosis abbati et conventui de Cupro pro viginti marcis bonorum et legalium sterlingorum quas michi in mea magna necessitate mutuo premanibus concesserunt: de quibus denariis teneo me perpacatum et clamo quietum. Unde volo quod dicti viri religiosi dictum boscum habeant libere et quiete ab omni servicio auxilio consuetudine et seculari demanda donec dicte viginti marce sibi fuerint integre persolute Ita quod non licebit michi interim nec heredibus meis de dicto bosco aliquid dare vendere scindere vel alio modo distrahere nisi ad focale et ad domos meas proprias construendas et reparandas. Dicti vero abbas et conventus similiter non dabunt vendent nec destruent de toto bosco nisi ad sua et monasterii sui propria edificia con-

[1] According to the Rev. John Anderson (The Celtic Earls of Atholl, *Scots Peerage*, vol. i. p. 419), Henry, Earl of Atholl, had a son 'apparently illegitimate, who described himself as Conan, son of Henry, late Earl of Atholl, in a charter by him to the monks of Lindores giving to them the privilege of taking dead wood and other timber from his wood of Tulyhen or Tulloch, near Blair Atholl. This charter, which may be dated about 1220, is witnessed by Ewyn or Ewen, son of the granter, and Hath, son of Gilbrid, his son-in-law. Conan also made a similar grant to the monks of Cupar from his lands of Glenherthy and Tolkyne (Glenerrichdie and Tulloch) which was confirmed by his son, Eugenius or Ewen, who married Mary, daughter and co-heiress of Conval, son of Duncan, Laird of Tullibardine.' This same Ewen, being in need of money, obtained a loan of twenty merks from the monks of Cupar, and in security thereof granted them the following wadset of his wood of Kilbrochache in the year 1282.

struenda exceptis ramis et mortuo bosco ad sustentationem sui forestarii quem habebunt ibidem ad dictum boscum custodiendum. Et ego similiter habebo ibidem servientem meum qui segites meas et pascua nec non et dictum boscum cum dicto forestario similiter custodiet. Et est sciendum quod si contingat me vel aliquem heredum meorum aliquo casu contingente vel aliqua necessitate compellente antequam dicta pecunia fuerit soluta terram meam de Kelbrochachyu vel aliquam ejus partem impignorare vel alicui ad firmam dare preter quam filiis meis et husbandis vel aliquo alio modo a me et heredibus meis ad tempus vel imperpetuum alienare dicti viri religiosi habebunt dictam terram ante omnes alios pro eodem foro quod alii dare voluerint. Preterea est sciendum quod quandocunque ego vel heredes mei dictas viginti marcas dictis abbati et conventui persolverimus dictum boscum una cum presenti scripto ad me et heredes meos sine omni contradictione libere revertetur salvo dictis abbati et conventui communi suo quod in predicto bosco ex collatione antecessorum meorum ab antiquo habuerunt et habent. Ego vero et heredes mei presentem conventionem dictis abbati et conventui contra omnes homines et feminas warantizabimus et defendemus. Volo et et [*sic*] concedo quod dicti viri religiosi possint me et heredes meos ad observationem omnium predictorum compellere per districtum regium vel per censuram ecclesiasticam vel per quamcumque aliam viam visum fuerit eis melius expedire. Renunciando pro me et heredibus meis omni exceptioni juris et facti omni prohibicione et omni juris auxilio canonici et civilis. Nec non et omnibus litteris a quacumque curia impetratis et impetrandis et omnibus indulgenciis crucesignatis et crucesignandis indultis et indulgendis.

Insuper supposui me et heredes meos jurisdictioni et cohercioni virorum discretorum magistrorum W. Archidiaconi et H. officialis Dunkeldensis quod ipsi et eorum successores vel eorum alter qui ad hoc fuerit requisitus possint vel possit in me et heredes meos sententiam excommunicationis et in terras nostras sententias interdicti nulla monicione premissa fulminare si presumserimus contra

dictam convencionem in toto vel in parte venire nullatenus relaxandam donec dictis viris religiosis tam de transgressione quam de expensis gravaminibus et dampnis quas vel que occasione hujus transgressionis fecerint vel incurrerint ad plenum fuerit satisfactionem et credetur super hoc simplia veredicto dicti abbatis et dutorum commonachorum suorum quos ad hoc voluerit connotare sine alio onere probationis. Ad ista ante omnia sine fraude dolo et malo ingenio firmiter et fideliter observanda in manu dicti officialis fidem prestiti corporalem. In cujus rei testimonium presenti scripto sigillum meum unacum sigillo dicti officialis feci apponi. Datum apud albam capellam fratrum ordinis de Monte Carmely apud Perth die sancti Dyonisii anno graciæ millesimo ducentesimo octogesimo secundo. Teste capitulo.

(2)

CHARTER by King James II. endowing a chaplaincy in the Parish Church of Tain, dated October 10, 1457 [1]

Jacobus dei gratia Rex Scotorum Omnibus probis hominibus totius terre sue clericis et laicis Salutem. Sciatis nos in laudem et honorem omnipotentis Dei et gloriosissime Virginis Marie matris sue et beatissimi Duthaci confessoris

[1] This charter is of considerable historical value. It does not appear in the *Register of the Great Seal*, which indeed contains only one charter of the year 1457. It also shows that King James II. was in Inverness in October 1457—a fact hitherto unknown.

The devotion of James IV. to St. Duthac is well known. He made several pilgrimages to his shrine—the last only a month before Flodden. Various explanations have been offered, one being that the King was born in Tain. It is also the fact that a similar devotion was exhibited by his father James III., whose benefactions are recorded in a charter by the Bishop of Ross, dated 18th September and confirmed 3rd December 1487. But the present charter shows that, however it originated, this devotion was of older standing in his family. It also indicates that at this time when the chaplaincy was endowed the church was already collegiate, and that accordingly what happened in 1487 must have been a reorganisation and not the original foundation. It explains various entries in the *Exchequer Rolls* of payments made from the fermes of Dunskaith for the support of a chaplaincy in the parish church of Tain.

It will also be noticed that among the witnesses is John, Lord of the Isles and Earl of Ross, who at this time was on friendly terms with the King and had just been appointed a Warden of the Marches.

ac omnium sanctorum necnon pro salute anime quondam serenissimi principis Jacobi regis Scotorum genitoris nostri et quondam serenissime principisse Johanne regine Scotie genitricis nostre ac pro salute anime nostre ac inclitissime principisse Marie regine Scotie consortis nostre carissime prolumque nostrorum ac omnium antecessorum et successorum nostrorum nostroque salubri statu in diuini cultus augmentum dedisse concessisse et hac presenti carta nostra confirmasse Deo et beato Duthaco ac capellano diuina celebranti et imperpetuum celebraturo in ecclesia collegiata Sancti Duthaci de Tayne ad sui sustentationem terras nostras de Dunskath cum pertinentiis jacentes in dominio nostro de Ardmanach infra vicecomitatum nostrum de Innirnis, unacum annuo redditu duarum mercarum usualis monete regni nostri de naulo et proficuis portus et passagii nostri de Cromarty nobis spectantibus ad duos anni terminos usuales pentechostes videlicet et Sancti Martini in yeme per equales portiones annuatim levando et percipiendo. Tenendas et habendas dictas terras de Dunskath cum pertinentiis unacum dicto annuo redditu duarum mercarum cum pertinentiis dicto capellano qui pro tempore fuerit ad sui sustentationem in puram et perpetuam elemosinam ad manum mortuam ac in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas prout dicte terre jacent in longitudine et latitudine in boscis planis moris marresiis viis semitis aquis stagnis rivolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonariis lapide et calce fabrilibus brasinis brueriis et genestis auaragiis carriagiis cum curiis et earum exitibus herizeldis bludewittis et merchetis mulierum Ac cum omnibus aliis et singulis libertatibus commoditatibus asiamentis ac iustis pertinentiis suis quibuscunque tam non nominatis quam nominatis ad dictas terras et annuum redditum cum pertinentiis spectantibus seu quovismodo juste spectare valentibus in futurum Et adeo libere quiete plenarie intigre honorifice bene et in pace in omnibus et per omnia sicut alique terre vel annuus redditus infra regnum nostrum alicui capellano

per nos vel predicessores nostros quibuscunque temporibus retroactis in puram et perpetuam elemosinam liberius dantur aut conceduntur Tenebitur enim dictus capellanus qui pro tempore fuerit missam cotidie cum dispositus fuerit in dicta ecclesia ad magnum altare eiusdem celebrare pro animabus predictis et in introitu cuiuslibet misse populum exhortare pro animabus predictorum ut dicant unum pater noster cum salutatione angelica Et tenebitur idem capellanus in choro dicte ecclesie ad matutinas altam missam et vesperas cum nota in suo habitu more ceterorum capellanorum dicte ecclesie interesse Et si contingat dictum capellanum ad aliquod uberius beneficium promoveri quo minus possit in dicto seruicio propria persona ministrare volumus quod vacet capellania antedicta Insuper volumus quod dicte capellanie presentatio ad nos et successores nostros et ad episcopos Rossenses collatio tociens quociens ipsam capellaniam vacare contingerit vere pertineat. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus Testibus reuerendis in Christo patribus Johanne Georgeo nostro cancellario Thoma et Wilelmo Moraviense Brechinense Rossense et Cathanense ecclesiarum episcopis dilectis consanguineis nostris Johanne Comite Rossie et domino Insularum Alexandro Comite de Huntle domino Gordoune et de Baidzenach Alexandro domino Montgomerre Patricio domino Glammys Jacobo de Levingstoun de Calentar magno camerario nostro Roberto domino Flemyng Willelmo de Morauia de Tulibardin et Niniano Spot nostrorum compotorum Rotulatore. Apud Innirnis decimo die mensis Octobris Anno Domini millesimo quadringentesimo quinquagesimo septimo Et Regni nostri vicesimo primo.

(3)

RECEIPT by George Stirling of Glorat to John Drummond for arms and munitions in the Castle of Dumbarton, August 8, 1536

Thyr Indentouris maid at ye Castell of dūberton ye aucht day of August in ye zeir of god ane thowsand fyv hūdrith

and threttе sex zeiris conteins proportis and beris vitnes betuix honorabill men yat is to say georg striveling of glorat[1] on ye ta pt and Jhone drūmond ye kingis graice maister vrytt[2] on ye toyer pt in mañ forme and effect as eft followis yat is to say ye said georg striveling hes Rasauit fra ye forsaid Johne Drūmond four gret gūnis furnist vyt stok quheill viss and veggis, sex fawcūnis vyt stok and quheill furnist, threttе thre hagbuttis of found four culuerȳnis of irne sewin barrall of powd̄ and half ane barrall of hagbut powdir aucht hundrith bullattis and fourty and ane centem of hagbut bullattis ane dusan of chargeouris and rāmis for ye gret gūnis And for ye fawcūnis sex irne crawis ane lang tow two short towis fyve pair of heich quhelis schod for ye fawcūnis vyt fyve lang extreis ane sleg of irne twelf lyn pȳnis of irne twelf fyrbawis And all ye gūnis fornemit all furneist vyt irne verk and I the said georg Striveling has deliūit to ye said Johne drūmond ane brasin gū of found cōtenand x fut of lencht vyt out ony graith And aȳ of ye saids parteis hes subscrivit yis pñt vrit day zeir and plaice aboue vrittin Befor ȳ vitnes Maist̄ James Striveling psoun of Kilmoden Johne Smollet Johne Palmer Allan Grahame vyt vv̄ drv̄s.

GEORGE STL̄YNG of Glorat.

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[1] William Stirling of Glorat, Captain of Dumbarton Castle, was murdered by Humphrey Galbraith on Good Friday 1534. His son George, who succeeded him in Glorat, succeeded him also as Captain of Dumbarton Castle conform to ratification by James v. dated 13th April 1534 (*The Stirlings of Keir*, p. 352).

[2] 'John Drummond, second sone to James Drummond of Auchterarder, the first of the House of Balloch, was something like Master of Work or Artillerie to King James [the] fourth, and for his service done to that King and to his sone King James the Fyfth he got a charter of the third part of the lands of Balnacreefe in East Lothiane near to Haddingtonne and within the constabaline thereof; and of the lands and miln of Milnab with the lands of Galdermore in Strathern wherein he is designed *Machinarum bellicarum ejaculator et carpentarius noster* dated anno 1521. He wrought for King James the Fyfth the fine timber work in the Castle of Stirline and set the roof upon the Castle of Drummond 1493 for which he got a tack of some lands from John Lord Drummond' (Lord Strathallan's *Genealogy of the House of Drummond* (Edinr., 1831), p. 62).

(4)

GRANT to ALEXANDER SCOT, musitiane and organist of a Canonry of Inchmahome, July 12, 1548

Be it kend till all men be thir pnt lres Us Johne be the permissioun of god comendatour of Inchemoq°mok [1] with the avis and consent of our convent cheptourlie gadderit to have gevin and grantit and be yir our pnt lres gevis and grantis to our lovit servitour Alexander Scot musitiane and organist for ye decoir of our queir in musik and playing and for oyr resonabill causes and considerationns moving us ane chanouns portioun of our said place wicht fyre chalmer candill habit siluer and vyir necessaris and casualiteis pertenyng yairto aucht and wount in our said place of Inchmoq°mok for all ye dais of his life his entres in and yairto beginand at ye day and dait heirof and yaireftir for all ye dais of his life till indure and sall causs him and his factour in his name to be thankfullie ansuerit obeyit and payit alsweill in his absence as pñs of ye said portioun zeirlie during ye said space chargeing heirfor all our officiaris pnt and to cum till ansuere and obey ye said Alex[r] his Seruandis and factours pñt and to cum of ye said chanouns portioun and all vyir necessaris and casualiteis yrof and mak na stop nor impedyment to him nor yaim yairin during his liftyme undir all hiest paine and charge yat eftir may folow providing all wayis ye said Alexander be ane reddy gud seruand to us and our said place at all tyme quhen he may gudlie work yrupoun And to ye obserwing keping and fulfilling heirof lelely and treulie

[1] In 1238 Walter Comyn, Earl of Menteith, founded a Priory of Augustinian Canons on an island in the Lake of Menteith. From its name Inchmahome—the isle of Mocholmoc—it would seem that there must have been there some ancient Celtic religious foundation associated with St. Colmoc.

In 1531 the Priory was held *in commendam* by Robert Erskine, who was killed at Pinkie in 1547. He was succeeded by his younger brother John, afterwards Lord Erskine, for whom the Earldom of Mar was restored or re-created by Queen Mary in 1565.

The three religious houses of Inchmahome, Dryburgh, and Cambuskenneth, with the lands belonging to them, were erected into the Lordship of Cardross and granted to his eldest son and successor in 1606.

to ye said Alexander in all maner forsaid we bynd and oblisses us and our successours faithfullie be yir pntis durin all ye said space of his lif in ye sikkirrest forme and stile of obligatioun yat can be devisit but fraude or gile na remeid of law nor exceptioun ciuile cānon, nor muncepall or utheris quhatsumeuir to be proponit nor allegit in ye contrar herof renuciand ye samyn for us and our successors be yir pñtis for euir In witnes of ye quhilk thing to yir our lres of gift subscriuit with o^{r} handis our comon seill of our said abbey is to hungin at ye cheptour place of ye samyn Ye tuelff day of July the zeir of god ane thousand five hundretht fourty aucht yeirs.

Johne Comendatour of Inchmahomo
Den James bradfut subprior
Den Jhon Huton ad id.
Den James bad ad id.
Den Johen Yongir ad id.
Den Adam Peblis ad id.
Den Thomas M'Lellen ad id.
Den Adam Cristisoune ad id.
Den Thomas Mont ad id.

[Seal.]

(5)

DECREET OF REMOVING at the instance of THOMAS RAMSAY against the tenants of Kingsbarns, July 9, 1566

At Edinburgh ye nynt day of July the zeir of God i m v c lxvi zeiris The Lordis of Consale underwrittin that is to say Ane nobill and michtie Lord George Erle Huntlye Chancellare Reverend faderis in God Alexr. bischoip of Galloway Adam bischoip of Orknay John bischoip of Ross Maister Williame baillie lord provand Maister Alexr. Dunbar subchantor of Murray Maister Robert Maitland dene of Aberdene Maister Dauid Chalmer Chancellar of Ross Maister Archebald Crawfurd persoun of Englishame Sir James Balfour of Pettindreych Knyt. Clerk of Register John Ballenden of Inchmowll Justice Clerk and Rycheard Maitland of Lethyngtoun Knyts Maister John

Spens of Condy advocat to our Souerane Lord and Lady Maister Henrie Balnawis of Halhyll and Maisteris Eduard Henrison and John Gledstanis licentiattis in ye lawis Anent our soueranis Lord and Laideis letres purchest at ye instance of Maister Thomas Ramsay heritabill fewar of ye landis underwrittin Agains Williame Cowart Robert Cowart Williame Bard John Saucht William Ramsay and Lowrie Pate pretendeit tennentis underwrittin Makand mentioun that quhare ye said Maister Thomas hes lyt as he said ye tym of ye warnyng efter specifeit continewallye sensyn and of before all and haill ye auchtene parte of landis of Kyngisbarnis wyth ye pertynentis lyand wythin ye sheriffedome of Fyf pertenyng to ye said Maister Thomas heritabillye and before ye fest of Witsounday last bypast in yis instant zeir of God i m v c lxvi zeriis He causit lawfullye warne the foirsaidis personis occupiaris of ye said Maister Thomas saidis landis To flitt and remove yameselffis yair seruandis and guidis ffra ye said auchttene parte of landis wyth ye pertynentis at ye said fest and terme of Witsounday and leif ye samen woyd and red to ye effect that he his seruandis and tennentis in his name may enter yrto bruik and joyss ye samen in tymis cumyng as his heritage at his plessor as ye precept of warnyng direct yrupon dewlie executt and indorsate conform to ye act of perliament maid yranent at mair leinth proportis Notyeless the saidis personis hes continewallye sen ye said terme of Wytsounday vyolentlye occupyit and wythhaldin the said Maister Thomas' saidis landis wyth ye pertynentis continewalye sen ye said fest and as zit wyll not desist and cess yairfra conform to ye said warning wythout yay be compellit and anent ye charge gevin to ye saidis personis to haue comperit before ye Lordis of Consale at ane certane day bypast to haif harde and sene thame and ilk ane yame decernit in maner under writtin Or ellis to haue allegit ane ressonable causs quhy ye samen suld not be done lyk as at mair lenyth is contenit in the saidis letres The said Maister Thomas Ramsay Beying personaly present And the saidis Williame Cowart Robert Cowart Williame Bryde and remanent yair collygis Beying lauchfully

summond to yis actioun ofttymes callit and not comperit THE LORDIS of Consale decernis and ordanis ye foresaidis personis and ilk ane of yame Respectiue To flitt remove devoyd and red yame selffis yair seruandis families and guidis ffra ye said Maister Thomas' said auchtane parte land wyth ye pertynentis and to desist and cess yairfra intymcumyng conform to ye said warnyng and act of perlyament foirsaid BECAUS ye foirsaidis personis wer lauchfullye warnit to haue comperit before ye saidis lordis at ane certane day bypast to haue harde and sene yame and ilk ane of yame decernit in maner aboun writtin Or ellis to haue allegit ane ressonable causs quhy ye samen suld not be done Wyth certificatioun to thame and thay failzeit the saidis lordis wald decern in maner foirsaid And thay beying lauchfullye summond to yat effect failzeit yrintill lyk as wes clarlye understand to ye saidis lordis Ordain letres to be direct yeirupoun in form as efferis Extractum de libro actorum per me Dominum Jacobum Balfour de Pettyandreich militem clericum Rotulorum Registri et Consilii S.D.N. Regis et Regine sub meis signo et subscriptione alibus. JACOBUS BALFOUR.

(6)

INVENTORY of JOHN MACMORANE,[1] 16 NOV. 1596

THE Inventar of ye guidis & geir pertening to umqle Johnne makmorane being within his awin dwelling hous

[1] John MacMorane, whose inventory is here printed, was a magistrate of Edinburgh. The story of his death is thus told by Professor Masson (*Register of the Privy Council*, vol. v. p. 238, note 1): The boys of the High School, or a portion of them, having petitioned the Town Council, as patrons of the school, for an extension of the holidays, and having been disappointed with the result, had on the 13th of September 1595 barred out the master, Mr. Hercules Rollock, shut themselves up in the school with provisions and weapons, and defied the authorities. They had stood siege for a day and a half, when, on the 15th of September, Bailie Macmorran, with other bailies of the town and a posse of constables, came to the school—then a long, low building on the site of the old Blackfriars' monastery—and having been refused admittance, was forcing it by means of a log of wood applied as a battering-ram to one of the doors. One of the boys, presenting a gun at the window, and calling the bailies 'buttery carles,' fired a shot, which went through Bailie

sichtit in presens of Katherene Hucheson his relict and being presentlie in hir handis within ye said duelling hous And in presens of Niniane mcmorane brother to the said umquhile Johnne, Andro huchesoun James huchesoun brother to the said Katherene Alexander makmath mungo makcall merchand burgess of Edinr. & Alexander Annand servitor to ye said Niniane & david andersone servitor to adame Lawtie wryter. Upone ye xvi day of November 1596.

Item, ane manis goune of frenche blak lynit doun ye lappis with velvet, with ane bar of veluet round about.

Item, ane manis goune of fringe of florence lynit doun ye lappis with budge with ane bar of veluet round about.

Item, ane cluik of frenche blak lynit with velvet doun the lappis.

It., ane uther cluik of blak lynit with fegourit velvet doun ye lappis with thrie pastmentis about ye taile.

Item, ane uther cluik of frenche blak lynit doun the lappis with grwgrane taffetie.

Macmorran's head, killing him on the spot. The boys had then succumbed in horror; some had fled; but eight of them had been arrested, including the boy who had fired the shot—William Sinclair, son of the Chancellor of Caithness. They narrowly escaped being torn to pieces at once by the mob; and there was great excitement over the case for some time—the magistrates and citizens, with Bailie Macmorran's relatives, insisting on revenge and scouting all offers of money-compensation, while the friends of the culprits, most of them 'gentlemen's sons,' exerted themselves on their behalf, and had the sympathies of the Court. The history of the case so far is related in the present petition of the seven less culpable boys, after they had been in prison for two months and a half. The result was that all got off soon afterwards, Sinclair included. Bailie Macmorran seems to have been the same John Macmorran of whom previous traces may be found in the *Register* by the index. He had been a servant to Regent Morton, and a sheriff's officer or messenger before rising to the civic dignity. Calderwood, in noticing his death (v. 382), says 'He was the richest merchant of his time, but not gracious to the commoun people, because he carried victuall to Spaine, notwithstanding he was often admonished by the ministers to refraine.' His house and place of business was in Riddle's Court in the Lawnmarket, and a very good specimen of the house of a wealthy Edinburgh citizen in the sixteenth century.

Till the demolition of the Old High School building in 1777 the window from which he was shot used to be known to the boys as 'The Bailie's Window.'

Item, ane uther cluik of frenche blak lynit with fringe.
Item, ane grwgrane cluik.
Item, ane uther cluik of tanny cammilie claith.
Item, ane doublet & ane pair of breiks of plane velvet.
Item, ane doublet & ane pair of brekis of figorit velvet.
Item, tua doublettis & tua pair of breikis of blak satene.
Item, ane doublet & ane pair of breikis of blak taffetie cuttit out.
It., ane doublet & ane pair of breikis of grwgrane worsett.
It., thrie pair of blak breikis of stemmyng.
Item, tua coittis & ane joup of blak stemmyng.
It., ane coitt & ane pair of breikis of tanny Inglis claith.
It., ane pair of tanny worsett schankis.
It., ane pair of blak worsett schankis.
It., ane taffetie hatt.
It., tua hattis lynit with velvet with tua stringis of craip.
It., ffour feltis of hattis unlynit.
It., ane new cirslat with ane auld.
Item, tua pickis.
Item, tua hagbuttis.
It., tua cutloyis with ane shoirt swoird.
Item, tua steilbonettis courit with blak stemmyng.
It., ane lettron.
Item, in ye chalmer of dace ane frenche bed & ane liticant bed.
It., mair ane chalmer buird of wannat trie.
It., ane kist of cyper trie.
It., ane greit kist of aik of carvit wark.
Item, twa lytill kistis.
It., ane greit press almrie.
It., ane chyre backit with grene.
It., mair ane chyre of wannat trie.
It., mair ane buffet stule.
It., tua lytill backit chyres for wemen.
It., four lytill laich stuillis for wemen.
Item, in ye bairnes chalmer within ye chalmer of dace ane stand bed of aik.
Item, ane danskene kist with ane sey kist.

Item, in ye heich chalmer aboue the bairnes chalmer tua stand beddis.

It., ane lytill taissell buird.

It., in ye galrie chalmer ane litticant bed. *Item*, mair ffour buffet stuillis with ane lytill buird with ane uther lytill buird for bairnes.

Item, in ye hall ane fair hall buird of wannat trie with ane furme of wannat trie. *Item*, ane dresser copbuird of wannat trie. *Item*, thrie frenche chyres. *Item*, ane buffet stule. *Item*, ane mekill Inglis tybill drest with ane selich skyn. *Item*, ane Irne chymny in ye hall with ane gallous, cruik, & irne tangis. *It.*, mair in ye hall ane hingand chandler of brass. *It.*, mair thrie hart heidis. *Item*, thrie payntit broddis. *It.*, ane lytill hingand chandler of brass in ye kitching. *It.*, ane pres for naipery. *Item*, fourty fyve plaittis greit & small. *It.*, xxxiiii pewdar trynsheris. *It.*, thrie tyn basingis. *It.*, ane dussane of tyn saseris. *Item*, thrie quart stoppis. *It.*, four pynt stoppis. *It.*, thrie choppene stoppis. *It.*, ane mutskene stop. *It.*, half ane mutskene stop. *It.*, ane tyn flakit. *It.*, thrie lytill hingand chandleris of brass. *It.*, tua pewdar laweris. *It.*, ane hingand lawer. *It.*, ane butter box of tyn. *It.*, four brasin pottis. *It.*, tua irne pottis. *It.*, fyve brasin pannis. *It.*, ane guis pan. *It.*, ane fyre pan. *Item*, tua frying pannis. *It.*, ane tyn salfat. *It.*, elevin chandleris of brass. *Item*, tua irne speittis. *It.*, sex pot broddis of brass. *It.*, ane irne bak of ane chimney. *Item*, ane choffer. *It.*, tua pair of tangis. *It.*, ane porring irne.

It., ane towell pyn.

It., ane halbert.

It., ane silver peice Tua masseris Ane silver saltfat.

It., ane dussane of silver spunes.

It., Sex feder beddis. *Item*, fyve feder bowstaris. *Item*, ane dussane of coddis. *Item*, nyne quissonis. *Item*, ane grene buird claith. *Item*, ane Arres wark. *Item*, ane reid stickit covering. *Item*, tua blew stickit coveringis. *Item*, ane grene covering. *Item*, tua quhyt spanes mattis. *Item*, tua sewit coveringis. *It.*, aucht seruandis coveringis. *It.*, aucht pair of blankettis. *Item*, sextene pair of small lynning sheittis. *Item*, xxiiii pair of

round lynning & hardin scheittis. *Item*, ane pair of grene cannabie courtingis frengit with reid & yallow inset. *It.*, ane uther pair of cannabie courtingis frengit with quhyt & reid worsett. *Item*, thrie pair of uther grene courtingis with yr pendicles. *It.*, fyve dussane of hardin seruiettis. *It.*, auchtene hardin towellis. *It.*, aucht lynning towellis. *It.*, elevin hardin bordclaithis. *Item*, fyve dussane & thrie dornik seruiettis. *It.*, four doussane & four seruiettis of lynning. *It.*, aucht dornik bordclaithis. *It.*, sevin lynning bordclaithis. *It.*, ten lynning watterclaithis sewit qrof tua of dornik. *It.*, tua dresser claithis. *It.*, xxiiii codwairis sewit & unsewit. *It.*, tua bedsheittis. *It.*, fyve pair of heid sheittis. *It.*, mair tua sewit towellis of lynning ane thairof with silke & ye uther with quhyt wark.

Niniane Makmoran. Mungo Makcall vitnis. Alexr. Makmathe witnes. Alexr. Annand witnes. D. Andersone notar & witness to ye premiss.

(7)

ANE TAK of the Ballierie of Terboltoun 9 Feb. 1600

Be it kend till all men be yir pnt letteris Us Loduik duke of Lennox Erle darnelie Lord terboltoun Methven and obbyny [1] greit Chalmerland of Scotland &c wt advyise of or counsale undersubscrivearis Understanding yat ye predicessors of or weilbeluifit cousing williame Cuninghame of Caprintoun have bene yis lang tyme bygane baillies to us and or predicessors of all and sundrie or lands and

[1] His father, Esmé Stuart, Seigneur d'Aubigny in France, returned to Scotland in 1579, and next year was created Earl of Lennox. In 1581 he was created Duke of Lennox, Earl of Darnley, Lord d'Aubigny, Tarbolton, and Dalkeith. It is therefore noteworthy that his son has dropped the title of Dalkeith and assumed that of Methven, thus confirming a statement cited in the *Scots Peerage*, vol. vi. p. 169, that the title of Methven being 'decaied of want of heires and comming to the Kings hands he hath disponit it to the Duke [of Lennox].'

baronie of terboltoun[1] baith propirtie and tenandrie wt all ptis pendikillis and pertinentis yrof Lyand wtin ye Sēfdome of air Be verteu of sufficiēt lrēs of bailliery grantit of auld and new to yame of ye samyn, and have dewtefullie usit and exertit ye office yrof and haifand sufficient pruife & knowlege of ye said Williames guidwill & mynd toward us and desyire he hes to cōtinew in ye said office for keiping of guid order amangis or vassells and tennētis of ye saids lands & barony and ministāoun of justice in all actiouns & causis to thame and utheris justlie cōmplenand upoun Law. THAIRFOIR and for uther ressonable caussis and considerandnis moving us beand weill and ryplie advysit wt advyise and cōsent of or counsell undersubscrivears To have maid cōstitute and ordainit and be ye tennor heirof makis cōstitutis & ordains the said Williame Cuninghame and his airis maill oure verry Lautfull undowttit & irrevocabill baillies and justices of all and haill or saids lands & baronie of terboltoun wt all ptis pendikills & pertinents yrof bayt propertie and tenandrie Lyand as said is, and of all & sundrie wodset landis of ye samen baronie ptis pendikills & pertinents yrof if it sall happin yat ye . . . [half line unreadable] successors or utheris . . . returne againe to ye sam in any tyme cūing and of the haill regalitie yrof ffor all the dayis spaice yeiris & termes of nyntein yeiris nixt & immediatlie following yr entrie yrto quhilk salbe and begin at the feist & terme of witsonday in the zeir of God m vc fourscoir nyntein zeirs and thaireftier yis pñt lrēs to indure and the sds offices to be pecibillie bruikit exercit & usit be ye said Williame & his airs maills forsaids & yr deputtis ane or ma quhome we gif thame full power to mak induring the said space GEVAND grantand & committand to ye said Williame & his airis maill baillies & justices foirsaidis during ye said space our full frie plaine power authoritie cōmissioun speciall mandat charge & bidding all & sundrie

[1] Tarbolton in Kyle was an old possession of the Stewarts of Darnley, and having come into the King's hands as heir of Matthew, Earl of Lennox, was granted by him to his uncle Charles, in whose person he restored the Earldom of Lennox.

o^{r} baillie & Justice courtis of ye foirsaids lands & barony & Regalitie yrof. To set begin affix afferme hald & continew als oft as neid beis Sutis to mak be callit absents to amerciat Transgressors & malefactors to punische cōforme to ye lawis & practik of yis realme. Unlawis amerciamētis & escheittis quhatsumeuir of ye saidis baronie regalitie & justice courtis as alsua all & haill the escheit of all & quhatsūeuir psons duelland w^{t}in the bounds of the said baronie & regalitie qlks sall happin to be denūcit rebells & put to ye horne for ony actioun or caus or beis fugitiue fra the lawis or orderlie convict in the saids courtis or ony of thame for quhatsūeuir caus or crime or sall becum in will yrfoir To lift resave & uptak siclyk and als amplie & fullie in all & be all things as we myt do o^{r}self & to y^{r} awn use for y^{r} pains & laubo^{rs} to caus imbring & apply ye samin and gif neid beis be y^{r} awin officiars to caus poind & distrenze yrfoir the saids escheittis rexiv̄e w^{t} all guids & geir to be poindit & apprysit for imbringing yrof To awayleid sell use and dispone yrupoun at y^{r} plea^{r} All & sindrie o^{r} men tennēts & inhabitantes of ye saids lands baronie & regalitie yrof or ony p^{t} of ye samñ yair corns cattell or guids quhair evir yei be arreistit or befoir quhatsūeuir juge or juges spirituall or temporall yei be accusit or challengit for quhatsūeuir causes or crimes . . . o^{r} saids baillie & justice courts & privilege of the regalitie fra the foirsaids juges & yr courtis To . . . courtis fredome privileges of . . . baronie & Regalitie yrof. To reduce replage againe bring and borrow And yrupoun borrowis & preventhes eftir ye forme of Law to find With full power farder to the said Williame & his airis maill foirsaid Clerks servandis dempstars & all uther off^{rs} and memberis of Court neidfull w^{t} deputtis ane or ma under him in the saids offices of bailliery and justiciare abouewrittin To mak creat ordaine and caus be sworne for quhome yei salbe halden to ans^{r} and the samin to alter change imput and outputt als oft as yei sall think expedient & proffitable for ye court during ye space foresaid And lykwyis w^{t} power to ye said Williame his saids airis maill & y^{r} deputtis̄ for o^{r} Ryts privellegis and immunities of o^{r} saids landis and barony

& regalitie yrof and defence of ye samin To Cõpeir psew & produce o^{r} saids rychtis and to protest yairupoun Protestationes to mak actis instrumẽts decreittis and all uther documents necessar quhatsũeuir to ask lift & rais and generallie all & sindry uthir to do exercis & use that to ye saids offices of baillierie regalitie & Justiciarie is known to appertein or yit y^{t} we myt do o^{r} self gif we wer pñt in propir persoun w^{t}in the saids Courtis fferme & stabill haldand and for to hald for us o^{r} airis & successors all & quhatsumeuir things the said Williame o^{r} baillie & Justice foirsaid or his deputtis in the premisses in o^{r} name sall richteouslie leid to be done And yir o^{r} letters of baillery & justiciarie during the said space and farder induring o^{r} will and ay and q^{ll} we discharge the samin in speciall but revocatioun to indure. In witnes of ye quhilk thing yir pñtis writtin be David Boreland messenger subscrivit w^{t} o^{r} hand & o^{r} counsellors wnderwrittin o^{r} propir seill is heirto affixit at holyruidhous the nynte day of Februarii The Zeir of god 1 m sex hundreth Zeirs Befoir yir witnes Johne Dunlop & Robert Montgomerie servitors to the nobill Lord & Johne Cunĩghame merchand & burges of Ed^{r} wth uth^{rs} dyverss.

LENOX.
R. Montgomery witnes
Jhone Cunyghame wetneis.

(8)

SECURITIES for SIR AULAY M'AULAY of Ardincaple,[1] 1610

CAUTIOUN and souirtie is foundin be Sr James Edmeston of duntreith Wm sempill of foulwod Wm buchannan of

[1] Macaulay of Ardincaple was the chief of a very ancient clan who at one time were numerous in the Lennox. In 1591 a bond of mutual assistance was entered into between 'Alexander MacGrigor of Glenstray and Awlay Macawlay of Ardingapill understanding ourselfs and our name to be Macalppins of awld and to be our just and trew surname quherof we are all cumen'—the seniority of the Macgregor ancestor being admitted and the Macaulays being accepted as a 'brenche of his house.' These Lennox Macaulays had, of course, no connection with the Scandinavian Macaulays of the Lewis (vide *Highland Papers*, vol. ii. p. 8, note 1). And yet when Macaulay the historian was made a peer, he obtained from the English heralds a coat of arms indicative of Ardincaple descent!!

drummakeill ro^{t} sempill of nobilstoun Wm sempill of dalmook Johnne sempill of corruth M^{r} Wm hall apparand of foulbar georg buchannan burges of dumbartane James Lindesay at the kirk of Bonnell Johnne sempill yair Wm sempill sarvitour to the said laird of foulwod walter buchannan burges of dumbartane mungo buchannan of spittell robert buchannā his sone Johnne buchannā of camroun awlay m'cawlay of stuk andro denneistoun in camseskan ro^{t} dennestoun younger in dumbartane Johnne stewart in camroun ro^{t} buchannā in mylnetoun wm buchannan in millarie Johnne colquhoin fear of camstrodan donald dowglas in dunfyn Johnne smy^{t} in auchindonan duncane M'Kimlay in cowgrane ro^{t} m'Kim in camseskan Johnne fallisdaill burges in dumbartane david Watsoun wm cunnynghame notiris yr malcolme glen merchant in dunbartane and alexander bradie in kirkmichael ffor the Indempnitie of Sr Awlay mcCawlay of Ardincaple under the panes following viz. the said Sr James Edmestoun of duntreith wm sempill of foulwod and wm buchannā of drummakeill ilk ane of thame under the pane of twa thousand marks. The saidis Johnne sempill of Corruth rot sempill of nobilstoun wm sempill of dalmook mungo buchannā of spittell Johnne buchannā of camroun m^{r} wm hall app^{d} of foulbar awlay mcCawlay of stuk and wm buchannā of fynnarie ilk ane of thame under the pane of ane thousand pundis and ilk ane of the remanent personis under the pane of fyve hundreth punds Qlk I testifie be thir pñtis subscryvit with my hand At Edinburgh the aucht day of September 1610. J. Prymrois.

(9)

LETTER soliciting assistance for construction of Arbroath Harbour, 1614

Richt hono^{ll} Sr,—We have begun the bulding of ane harbouris [1] at O^{r} burt Qlk godwilling will not onlie be ane

[1] The harbour of Arbroath dates back to 1394, when it was first made under an agreement between the Abbot and the Burgh (*Regist. de Aberbrothoc*, p. 40, and preface, p. xviii). Its maintenance always involved much trouble and

perpetuall ease to us and o^{r} successors and haill cointrie heirabout Bot also to the confort and saiftie of all suche as in thir pairtis trawellis and traffickis on the sea. The qlk wark hes bene alradie to us verie coistlie and sumptuous to us and hes exhaustit baith or comõn guid and privat moyanes ffor that we ar not habill to accompleische ye same w^{t}out the help of utheris Lykas we have appointit Dauid Auchterlonie beirer heirof o^{r} baillie for the tyme oure orato^{r} and comissioner for us and in o^{r} names To suitt and ꝑcure the charita^{ll} help of ye cointrie for o^{r} so necess^{r} suppoirt theirfoir it will pleis yor m/ to putt too yor helping hand to o^{r} weillbegun and ꝑfitabill wark and grant to the beirer sic sharitabill suppoirt yrto as yor m/ withe bouellis of compassioun and of luif to the Comoun weill of ye cointrie and of us thinkis maist meitt and expedient As god the cõmander of guid warkis will liberallie requyte yor m/ And we wilbe humble orato^{r}s and petitioneris to god for yor m/ And radie to Srve yow utherwayes in sic offices as we possible may Assureing o^{r}selffis y^{t} yor m/ will baith help us and forder utheris be yor guid exampill Sua comitting yor m/ to godis ꝑtectioune we rest

Yo^{r} m/ Radie to be cõmanditt
the bailleis cõnsall and cõmitie of
Abirbrothok and in o^{r} names

J. Jhonsone Clerk.

Abirbrothok ye second
day of Marche 1614.

I dauid aucterlowny baillze off Aberbrothok grantis myselff to haiff ressewit from ye Laird off [*illegible*] to the reparatioun off ye shoir of aberbrothok ane angill

Dauid Oucherlouny
with my hand.

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expense, and at the end of the sixteenth century the other Scottish burghs and the public generally were appealed to for assistance. For detailed information, reference is made to Hay's *History of Arbroath*, pp. 328 *et seq.*

(10)

ANE INVENTAR of certane cloithis abwlzementis and Timmerwark plenisching feder bedis and bed claithis delyuerit be Sir Rot. Scott of Thirlestaine knyt to Andro Quhytt Keipar of ye Tolbuith of Edr. as efferis [1]

Followes

In primis ane blak cloak of claith lyneit throw with blak welvet wrocht with blak silk pasmentis.

Item ane dowblat & breikis of blaick satine cuttit out and twa pasmentis yrupoun.

Item ane cloak of black taffitie.

Item ane mat of reid camlett wrocht with silk.

Item ane chalmer buird claith reid sasit with silk.

Item twa feder bedis & twa bolsteris.

Item ane greine canabie twa pair blankatis Twa pair sheitis Twa coddis with ane quhytt Rooge and ane greine matt and ane yallow matt.

Item ane heich standing talbent [?] ane irne chairtor kist ane littill chalmer buird twa chyris twa littill timer bedis with ane wand bed.

Item ane Nyt chalmer goun of Inglis claith lynit with freis.

Item ane ald reid buird claith for ane chalmer with ane blak velvett pasment yrupoun.

Item twa wyne sellaris.

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[1] The editor has entirely failed to find any explanation of the transaction embodied in this writ.

Mr. John A. Fairley, to whom all interested in Old Edinburgh are so much indebted for his article on 'The Old Tolbooth' (*Book of the Old Edinburgh Club*, vol. iv.), has had the kindness to read this document and furnish the following note:—

'The items of the Inventory seem too luxurious for the Tolbooth. It should be remembered that the Keeper usually had other interests, and often became a man of substance. Possibly the articles in question were delivered to him in connection with some transaction quite apart from the Tolbooth. I think this very likely, and that the words "Keeper of ye Tolbooth" were added to the document to distinguish the particular "Andrew Quhytt."'

I Sir Rot. Scott of Thirlestaine hes delyuerit thir particullaris contenit in yis Inventar to be kiepit & useit be Andro Quhytt conforme to ane band grantit and sett doun yrupoun. Subscryvit with my hand at Edr. ye thrid day of Septr. anno ane thousand sex hundreth tuentie thrie zeiris.

THIRLESTANE.

(11)

OBLIGATION BY CERTAIN INHABITANTS OF ARRAN, 1639

We undirsubscrveand dwelland in the Ile of Arrane be thir presentis faithfullie bindes and obleisses us Ilk ane of us for our awine pairtis to reallie and trewlie contrabut joyne and concure wt the rest off the Kingdome in all and whatsumevir contrabutiounes Lewies of men services employmentis and all other thing whatsumevir concerneing and that any wayes may concerne the publick bussines of ye Kingdome anent the defens of ye religioune Lawes and liberteis of this Kirk and Kingdome as becumeth faithfull and honest covenanteirs [1] to doe in all respectis. And that quhensoever we shalbe desyreit therto be the Erle of Argyll or any utheris in his Lop name haveing his warrand or be any utheris haveing ordor to us frome the committie. And in the meane tyme to testifie or affectioune to ye cause we faithfullie promeis wt all possibill haist to prouyd or fourt man within this Iland as the rest of ye Kingdome have done and ar doeing to goe reddie in Armes to the feildes aither to the border or to Kintyr to attend thair wt suche otheris as shalbe attendeing for defens of ye countrie as we shalbe appointed be the said noble earle, and we declare that or fourt man to be so sent out extendis to fourtie men, In witnes qrof we have subt yr pntis wt or hand at the Castile of Brawdick.

[1] The reference is of course to The National Covenant of 1638.

The tuentie ane day of may 1m vi^{c} and threttie nyne yeires.

We James Stewart in Bennan James Stewart in Quisquidaill, Angus M'Allestar in Machrie Donald M'Clarsiche, Archibald Hamiltoune in Penlaster, Jon Stewart of Kilpatrick George Hamiltoun in Letter De Mandatis dictarum personarum scribere nescien ut asserunt ego Georgius Campbell notarius publicus sub^{o}.

Patrick Hamiltoun,
James Hamiltoun,
Walter Stewart,
Patrick Hamiltoun,
Johne Stewart,
James Pettecrew,
James Pettecrew,
Johne Pettecrew,
Allexander Pettecrew,
John Hammiltone,
Johne Fullertoune,
Allexander Ffowllertoune,
Johne Stewart,
Allex^{D} Bannatyne,
Donald M'Kowk,
James Hamiltoun,
Donald Ffullartoun,
James Stewart.

(12)

EXTRACT—Bond by Sir Alexander Irvine of Drum[1] to the Committee of Estates, 6th February 1641

At Edinburgh the sext day of februar 1 m vi c & fourtie ane yeiris, The quhilk day In presens of the cōmittie of the Estaites of parliament compeired Mr Thomas nicolsone advocat as pro^{r} for Sr Alex^{r} Irving of Drum Knight and gave in the band & obligatioun underwr̄in and desyrit the samen to be insert and regr̄at in the buikis of the sd cōmittie and to have the strenth of thair act and decreit, Qlk desyre the said cōmittie of Estaites thought reasonable

[1] For an account of Sir Alexander Irvine, see *The Irvines of Drum*, by Lt.-Col. Forbes Leslie, pp. 84 *et seq.* His persecution by the Covenanters was finally stopped by General Monk (*Scotland and the Commonwealth* (Scottish History Society, vol. xviii.), p. xxxvi and Appendix).

And thairfor hes ordained and ordaines the sd band to be regrat in thair buikis & interpoins yr decreit and authoritie yrto And ordaines all necessar executioun to pas and be direct thairupoun in maner yrin spēit and in forme as effeiris, off the qlk band the tennor followis,

Be it kend till all men be thir pñt lrēs, me Sr Alexander Irving of drum knight fforsameikle as I haveing given satisfactioun to the cōmittie of Estaites for my bygane escapes and hes satisfied the fyne imposed be them upoun me In respect qrof They have ressaved me, my landis and estait under thair protectioun and safeguard And I being willing to adhære to the defence and mantenance of the nationall covenant religioun lawes and liberties of this kingdome now protest I being now satisfied fullie of all my former doubts and scruples Thairfor wit ye me To be bund and obleist Lykas I be thir pñtis bind and obleis me To the said Cōmittie of Estaites and the estaites of this Kingdome That I sall in all tyme cuming cary my selff really & sincerely as ane faithfull country man And sall to my lyves end maintaine and defend the said nationall covenant, religion lawes and liberties of this Kingdome and caus now in hand To the hazard of my persone and estait, And sall contribute be my persone meanes and estates to the uttermost of my power for the defence and mantenance of the samen And sall never come in the contrair yrof directlie nor indirectlie at any tyme heireftir And that I sall never keip correspondence intelligence, nor intercourse with any persone privatly nor publictly directlie or indirectlie to the prejudice of the premiss And farder I bind and obleis me immediatlie eftir my reparing home That I sall give publict evidence of my trew greiffe for my bygane escapes and lying out And of my heartie joyneing to the said covenant and sincere affectione to the cause now in hand And that in the paroche Kirk where I dwell upoun ane Sonday before noone in tyme of divyne service And in thair presens sall subscryve the said covenant in obedience & testimonie of my heartie and sincere affectioun yrto And sall report and delyver to the said Cōmittie of Estaites ane testificat

of my performance of the premiss^{s} subscryvit be the minister and elders of the parochein wher I dwell betwixt and the Twentie day of Aprile nixtocome precisely Lykas I bind and obleis me to be anssrable for the guid cariage of all these quhom I may stoppe or lat And in caice I failzie in the premiss^{s} I bind and obleis me and my forsaidis To pay to the said cõmittie or to the Estaites of this Kingdome or to any haveing thair power for the use of the publict The soume of ffourtie thousand pundis Scotis money in name of paine now modified be me And for the mair securitie I am content and consentis thir pñtis be insert and reg̃rat in the buikis of the said cõmittie of estaites Or in the buikis of Counsall and sessioun To have the Strenth of ane act and decreit of aither of the saidis Judges That lrēs & exe^{llis} of horning upoun ane simple chairge of sex dayis allanerlie and wy^{ris} neidfull may pas y^{r}upoun and to that effect constitutes Mr Thomas nicolsone advocat my pro^{ris} promitten de rato &c In witnes qrof I have sub^{t} thir pñtis (wreattin be Mr John henrysone maisser) with my hand at Edinbur^{t} the sext day of februar the yeir of god 1 m vi c & fourtie ane yeiris Befor thir witness^{s} Ro^{t} hepburne advocat and Mr James Scheyne wreitter sic subscribitur A. Irwing Ro. Hepburne witnes Ja. Sheyne witnes. Extract furth of the buikis of the said cõmittie of Estaites Be me Robert hepburne advocat clerk yrto. Ro. Hepburne.

(13)

PROCURATORY by Sir John Veitch of Dawyk for resigning the office of Master of Work in favour of himself & John Carmichael, August 31, 1642

I Sir Johne Weich off Daik his Maties. Mr. of Work forsamekill as I cannot weill alone discharge the sd. office off Mr. off work It being incumbent to me & requisite to be in sewerall places quhare his ma. pallaces & castells lyes, lyke as formerlie the sd. place was supplyed be tua abill men quho ayr waited be turnes or was in severall places attending yair sd. charge And in respect off the Ruinous estate off ye most pt. off his ma. housses all at one tyme quhich

cannot be well overseene & discharged be one man at so grit a distance Tharefore wit ye me for certane onerous causses & for the reasons forsd. to be bund & obleist lykeas I be thir presents binds & obleisses me & my forsds. to resigne & dimitt & be thir presents resignes & dimitts the sd. office off Mr. off work & generall wardane over the quhole tradesmen & workmen in his maties. hands And to that effect constitutes my prors. Givand grantand & quittand to thame my full povar express bidding mandement & charge to compeir before ane high & mychtie prince Charles King of Great Brittaine France & Ireland & thare be staff & battoun as use is simplie puirlie & finelie surrander upgive overgive resigne & dimitt the sd. offices off Mr. off work & generall wardane in favours off me & Johne Carmichell second lawfull sone to Sir James Carmichell off that ilk his maties. trer. [treasurer] deput coniunctlie to be bruikit betuixt us with all [fies] dewties casualties & Profeitts belonging yrto during all the dayes off or lyfetymes and generallie all & sindrie uther things to doe haunt exerce as to ye sd. office off prorie. apperteins in such caices or may be knaven [to] appertein yrto And farder I bind & obleiss me & my forsds. to reiterat & renew thir presents in the best forme yt can be devysed keipand the substance abovewritten ay & quhill the sd. Johne find himself sufficientlie secured in the sd. place with half off all his fies casualties & dewes belonging yrto And for ye mair securitie I am content & consents that thir presents be insert & registrat in the bookes of Consall & Sessioun to have the strenth off ane det & that letters & executorials of horning wairding &c. may pas heirupone upone ane simple charge off sex dayes warning allanerlie And to yat effect constitutes my prors. promitten de rata In witnes qroff written be Sir Wm. Lokhart I have subscrived thir presents with my hand at Edr. the last day off August 1642 yeirs before thir witnesses Sir Wm. Carmichell sone to ye sd. Sir James & ye sd. Sr Wm. Lokhart wrytar heiroff.

Jo. Veitch.
W. Carmichaell uitnes.
W. Lokhart witnes.

(14)

ACT OF COUNCEL[1] anent PANMURS PATENT to be EARLE OF PANMURE, LORD BRECHIN &c., 6 May 1647

At Edinburgh the sixt day of May, In the yeere of God 1m vi^{cs} & fourtie seven yeeres.

The Quhilk day in pñce of the Lords of his Māties privie Councell appeired personallie Archibald Marques of Argyll, and produced and exhibit ane patent under his Māties great seale, bearing date at Newcastle the thrid day off August last Whereby, his Mātie takeing particular notice, of the long & faithfull service of his servant Mr Patrick Maule of Panmure one of his Māties bedchamber, both in the tyme of his Māties darrest father of happie memorie, And als in attendance on his Māties own royall person, continuallie since his Maties happie atteanning to the Crowne thir tuentie ane yeeres bygone And his Mātie being willing to give him ane mark of his royal favo^{r} now when he is come to age Hee thairfore made constitutte & creat the said Mr Patrick maule, and the aires male, lawfullie gottin or to be gottin of his bodie Earles of Panmure & Lords of Brechin & Navar, & lords of Parliament To have bruik & enjoy the honor & dignitie of ane earle wth all the prerogatives, preeminences, priviledges & liberties belonging yrto in all tyme comeing as the said patent more fullie proports. Qlk being red & considered be the saids Lords & they acknawledgeing his Māties gracious favor & bountie shawin to the said Mr Patrick maule They have ordand & ordans him and his aires male aforsaid to be called in all tyme comeing Earles of Panmure, Lords Brechin & Navar And to have place, vote, & precedencie in all Parliaments, generall Councells, privat & public meitings amongs the earles of this Kingdome according to the date of the Patent aforsaid Lykeas John earle of Loudoun Lord Heich Chanceller of this Kingdome did in pñce of the Councel delyver the said patent to the

[1] This does not appear in the printed *Register of the Privy Council*, and is not referred to in the *Registrum de Panmure*.

Marques of Argyl in name of the said earle of Panmure, qlk he ressaved & accepted on his knees. Extractum de libris Actorum secreti concilii S.D.N. Regis per me Dnūm Archibaldum Primerose clericum ejusdem sub his meis signo et subscripone manualibus.

Arch: Primerose Cls Cons.[1]

(15)

DISPOSITION by Patrick Melville sometime of Baldovie to James Scott of Baldovie, of a Seat within the church of Maryton, 16 July 1652

Be it kend till all men be thir pñts We Master Patricke Melvine sometime of baldovie[2] sonne and heire to M. Richard Melvine of baldovie minister at the kirke of Maritoune with expresse advyce and consent of Mr. James Melvine minister at the kirke of benholme for his right and enteres and me the said Mr James for my owne right and enteres with expresse advyce consent and assent of the said Mr Patrick Melvine for his right and enteres and us both with one consent and assent for the loue and fauor qlk we have and beare to James Scot now of Baldovie Therfor to have annaillied and disponit and be the tenor heirof annailies and dispones from us and either of us to and in favours of the saids James Scot all and haile that our seatt dask and loft within the parochine kirke of Maritoune and haill pairts and pertinents of the same with our heartie goodwylle all right and title that we have or can claime and pretend thairto and possessione of the same to be sittin in brukit joysett possest sauld usit and disponit upon be the said James Scot and his foresaids as ther owne proper seat dask and loft at ther pleasure And for the mair securitie we are content and consents yt yr pñts be insert and registrat in the books of Counsaill

[1] Father of the first Earl of Rosebery.

[2] A small estate near Montrose. The Melvilles of Baldovie were cadets of the family of Dysart (*vide ante*, p. 62, note 3). The Rev. Andrew Melville was a son of Richard Melville of Baldovie, who was also minister of Maryton.

and sessione or Sreff books of forfare ther to remain ad futuram rei memoriam and for that effect constituts [ ] our prors promitten de rato In witnes whairof we have subscrivit thir pñts wirritin be me Mr James Melvine at Montrose the sextent day of July a thousand sax honds fyftie tua befor thir wittnes Williame Grahame and Walter Jamesone their

WILIAM GRAHAME witness. P. MELUINE.
WALTER JAMESON witnesse. Mr J. MELVINE.

(16)

A SPEACH made to the LORD GENERALL MONCK in the cloth-makers' Hall in London, ye 13 of March St. Vet.[1] at which tyme he wes ther interteind by that worthie companie [2]

Nay, then let me come to with my adress
Why may not Rustick promise or Profess

[1] Apparently *stylus vetus* = old style.

[2] Monck arrived at Whitehall on 3rd February and King Charles landed at Dover on 25th May 1660. In the interval every possible kind of intrigue went on. The disreputable Rump was fighting for its existence, and open hostility broke out between it and the City of London, which refused to pay taxes. In reply the Rump ordered Monck and his army to enter the city. They did so, but soon showed where their sympathies lay; and on 11th February, Monck delighted the Corporation by intimating that he had formally and peremptorily demanded the issue of writs for a new parliament. In his *Diary*, under date 11th April 1660, Pepys writes: 'All the news from London is that things go on further towards a King. That the Skinners Company the other day at their entertaining of General Monk had took down the Parliament Arms in their hall and set up the King's.'

On this statement Lord Braybrooke has the following note:—'His Excellency had now dined at 9 of the chief Halls. At every hall there was, after dinner, a kind of stage play and many pretty conceits and dancing and singing and many shapes and ghosts and the like, and all to please Lord Monk' (Rugges *Diurnal*). One of these halls was that of the Cloth Workers Company; and in Hazlitt's *Livery Companies of the City of London*, p. 337, it is said that 'a speech or address prepared by Thomas Jordan, the City poet, was delivered to him in the course of the entertainment.' Three such addresses, viz. those given at the Vintners', Fishmongers', and Goldsmiths' Halls, appear in the British Museum Catalogue, but that delivered at the Cloth Workers' Hall is apparently now printed for the first time. A detailed account of Thomas Jordan is given in

His good affection to you ? Why not Declare
His wants how many and how great they are
And how you may supply ym ? since you may
Sie our harts mourne, altho' our clothes be gray.
Great Hero, of thrie Nations' whose Blood springs
From Prins, and from Powrful Grandsir Kings
With whose blood Royall you haue enrichd yor vaines
And by continued Policie and Paines
Haue equald all ther Glorie, so yt now
Thrie Kinglys Scepters to yor feet doe bow
And court Protection and Allyance too
And what Greatmen still reachd at, stoups to yow
But you'r to trwly Nobl to desire
Greatness by fraud or force, or to aquire
Scepters or Crownes, by Roberie or base
And willfull breach of trust, and oaths, or Place
Yor happinesse in Ravished Dominion
Whose Glorie is only founded in opinion
Attended still with danger feare and doubt
& feares within, worse then all feares without
You must still watch and feare, and think & must
Lose all content to gratifie on Lust,
Should you invade ye Thron, or aim at Pelf
Throw down thrie Nationes, to set up yorselfe
Kings ar bot Royall flames and Prisners too
They alwayes toill, and alwayes garded go,
Yow are for making Princes, and can fynd
No work proportiond to yor powre and mynd
But Atlas-lyk to beare the world and be
The Great Restorer of the Libertie
Of thrie long captiud Nations, who ouerthrown
By other strong delusiones and our own
Misguided Zeall to doe and suffer what
Their verie Soules Doe Greiue and Tremble at

---

the *Dictionary of National Biography*. An actor and playwright as well as a writer of verse, he was, in 1671, appointed poet to the Corporation of London. The chief duties of the City laureate, it is said, were to invent pageants for the successive Lord Mayor's shows, and to compose a yearly panegyric upon the Lord Mayor elect ; and these he discharged with conspicuous success. He is supposed to have died in 1685.

Debauchd by them they thought did teach & Reull them
And now they find, did ruin & befooll them
Our meining still wes honest but allace
Wee neuer dreamd of what since cum'd to Passe
T'was Neuer our intent to violate
The setled orders of the Church and State
To throw down rullers from their Lawfull Seat
Mirrely to make Ambitious small things great
Or to subwert the Lawes, bot we thought then
The Lawes wer good, if managed by good men
And so we doe think still, and fynd it trw
Old Lawes doe moir good, and lesse harm then new
And t'was the plague of Countries and of Citves
When that great bellied house did spawn Comitves
We fought not for Religion, for t'is known
Poore men haue litle, and some great ones non
The few that Loue it, trwly doe weill know
Non can tak't from us whither we will or no
Nor did we fight for lawes nor haue we neid
For if we had bot gold enough to feid
Our taking Lawers, we had Lawes enough
Without addressing to ye sword or Buffe
Or yet for Liberties, for these things
Haue cost us moire in Keipers, nor in Kings.
Nor yet for Peace, for iff we hade done so
The soldiers had beat us long ago.
Yet we did fight and we did sie for what
To shufle mens Estats ; these owners, that
Befor these warres, could call estates yr owne
Ar beaten out by others that had non,
Both Law and Gospell ourthrown togither
By those who ner beleiud in, nor lou'd either
Our truth our trade, our Peace our wealth our freedome
And our full Parliaments that did get and breid them
Ar all devor'd & by a monster fell
Whom non bot yow could satisfy or quell
You 'r great, you 'r gude, you 'r valiant, you 'r wise
Yow haue Briarias' hands and Argo's eyes.
Yow are the English Champion, you 'r the trew

St. George of England and of Scotland too
And tho his storie 's questiond much by some
Whither trew or false, this age and that to come
Shall for the future find it so fare trw
That all wes bot a Prophesie of yow,
And all his great and high atcheiuments be
Explained by yow, in this Methologie
Heirin yow ar fare out done him, he did fight
Bot with on single dragon, bot by yor Might
A Legion haue bein tam'd and mad to serue
The People whom they meant to undo and sterue
In this yow may doe higher and mak fame
Immortaliz yor Celebrated Name.
This age's Glorie and wonder of all after
If yow will frie the Sonne ; as he the Daughter.

(17)

POST-NUPTIAL CONTRACT OF MARRIAGE betuixt Mr. George MacKenzie, Advocate, and Elizabeth Dickson, 1662 [1]

At Edr and the eight day of december The zeir of God on thowsand six hundreth thriescoir two zeirs It is appoynted contracted finallie aggried and ended Betuixt the Right honoll Symon McKenzie brother german to the deceist George Earle of Seaforth Lord McKenzie and Kintaill &c ffor himselff and takand burden in and upon him ffor Maister George McKenzie Advocat his eldest laull sone and appeirand air And ye said Maister George ffor himselff with consent of his said father And both of them with on consent and assent on the ane pairt And Elizabeth Dicksoun laull dochter to the deceist John Dicksoun of Hartrie Ane of the Senators of the Colledge of Justice With consent of her curators

[1] Sir George Mackenzie married, secondly, Margaret Halliburton of Pitcur. His only surviving son having died without issue, Sir George's estates went to the descendants of his eldest daughter Agnes, Countess of Bute, and ultimately under the entail to the second son of the 3rd Earl of Bute, whose son was created Lord Wharncliffe (*vide* iv. Paton's *Appeals*, p. 138).

undersubscryvand on the uther pairt in maner following That is to say fforsameikle as albeit the hono[ll] band of matrimonie is alreddie solemnizat and accomplished betuix the said Maister George McKenzie and the said Elizabeth Dicksoun now his spouse in the said Symon McKenzie his absence be reassoun of his remotnes and exigencies of effeirs yitt in respect the samyn was both intended and consumat with the said Symon his paternall consent (Much now to his cordiall contentment and satisfactioun) And that no contract was formit drawen up and subscryvit According to the termes aggried upon be both pairties be reasson foirsaid Which now the said Symon being most willing to supplie and accordinglie to consumat and perform Thairfor and for ane present and futur being and hono[ll] subsistance provisioun and fortoun to the said Maister George McKenzie, his said spouse and the airs maill procreat or to be procreat of the said mariadge The said Symon McKenzie Hes condescended And be thir presents voluntarlie condescends to give to and conferr upon the said Maister George the soum of Threttie ffour thowsand merks scotts money to be payed in maner and at the termes underwrittin And to the effect the samyn may become effectuall to him the said Symon McKenzie Be thir presents binds and obleisses him his airs executors and successors betuixt the dait heirof and the Secund day of ffebruarii nixt to come to Assigne Transfer and dispon to the said Maister George And the airs maill lau[llie] procreat or to be procreat betuixt him and his said spouse Whilks failzeing to the said Maister George his neirest and lau[ll] airs maill and assignays whatsomevir All and haill The soum of sevintein thowsand merks scotts money of principall beiring interest since the terme of Mertimes last And in tyme coming during the not payment and expensses correspondent justlie restand to the said Symon be sufficient bands and securities maid and granted to him be sufficient aible and responsall debitors and their cautioners Togither with the samyn bands and securities decreits interponit theirto With all legall diligence usit or competent to be usit theirupon And to grant subscryve and

deliver to them sufficient assignatiouns and securities theirof And to transmitt the full and undoubted right of the samyn in their persoun in most ample form Beiring causses onerous Warrandice from his and his Cedents (iff any be) their awin facts and deids And all uther clausses requisit and necessar As sall be devysit be men of law and Judgment And to deliver the saids bands and securities sua to be assignit vnregistrat or sufficient subscryvit extracts theirof And all diligence usit theirupon To the said Maister George and his foirsaids Betuixt and the said day: Or utherwayes The said Symon Be thir presents obleisses him and his foirsaids to pay to them the foirsaid soum of sevintein thowsand merks at the terme of Witsunday therefter with the soum of Thrie Thowsand merks money foirsaid of expensses in caice of failzie and annualrent theirefter during the not payment And in lyk maner The said Symon McKenzie Be thir presents Binds and obleisses him and his foirsaids to content pay and deliver to the said Maister George McKenzie and his foirsaids the soum of uther sevintein thowsand merks money foirsaid Making up in the haill the soum of Threttie ffour thowsand merks money above writtin And that at the ffirst terme of Witsunday or Mertimes Candlesmes or Lambes nixt and imediatlie following the said Symon his deceis when the samyn sall happin at the pleisor of God with the soum of thrie thowsand merks money foirsaid of expensses in caice of failzie And annualrent therefter during the not payment of the said principall soum And it is heirby declairit be the said Symon McKenzie That the foirsaid soum of Threttie ffour Thowsand merks is and sall be payable and effectuall to the said Maister George But any allowance of or respect had to any uther soums of money ether advancit upon ressaits to or bestowit upon him ffor his educatioun in ffrance or be whatsomever uther maner of way or for whatsomever uther cause or occasioun preceiding the day and dait heirof And on the uther pairt the said Maister George hes accepted and be thir presents accepts the said soum of threttie ffour thowsand merks and what bestowit upon his educatioun and utherwayes formerlie

advancit to him as said is in full contentatioun and satisfactioun of all portioun naturall bairnes pairt of geir and utheris whatsomever Whilks he may ask suit or crave be or throw the deceis of his mother or the said Symon his father Be contract of mariadge or be whatsomever uther maner of way Renuncing and discharging the samyn in his favors forever Reservand his awin goodwill allennarlie And in caice their be no airs maill of the said mariadge procreat betuix the said Maister George and his said spouse bot airs femall Then and in that caice The said Maister George be thir presents Binds and obleisses him and his airs maill succeiding to him to content and pay to the dochters or airs femall of the said mariadge The soums of money and provisiouns underwrittin viz. Iff their be bot on daughter the soum of Twentie thowsand merks and iff their be Two the soum of Twelve Thowsand merks to the eldest and the soum of eight Thowsand merks to the second, and iff their be thrie or moir daughters the soum of Ten Thowsand merks to the eldest and the soum of uther Ten Thowsand merks money foirsaid to the rest To be divyded among them according as sall be thought fit be the father he being on lyf And failzeing of him be deceis be two of the neirest freinds on the fathers syd and on the mothers syd and the saids portiouns and provisiouns to be payed to them at their perfyt aige of ffyftein yeirs compleit with the interest theirof efter the fathers deceis during the not payment. And because it was condescended unto and agried upon That the said Elizabeth Dicksoun sould be provyded unto and securit in the soum of ane thowsand and eight hundreth merks scots in lyfrent during all the dayes of her lyftyme in caice it sould happin her at the pleisor of God to survive her said husband Thairfor the said Symon McKenzie and the said Maister George McKenzie his sone Be thir presents Bind and obleis them conjunctlie and severallie their airs executors successors and intromettars whatsomever To content pay and deliver to the said Elizabeth Dicksoun in lyfrent during all the dayes of her lyftyme All and haill the foirsaid soum of ane thowsand and eight hundreth merks

money yeirlie at two termes in the zeir Witsunday and Mertimes be equall portiouns Beginnand the ffirst termes payment theirof at the ffirst terme of Witsunday or Mertimes nixt and imediatlie following the said Maister George his deceis when the samyn sall happin to fall out and occurr And sua furth zeirlie and termlie theirefter at the termes and be equall portiouns as said is during all the dayes of her said lyftyme With the soum of Ane hundreth punds money foirsaid of liquidat expensses for ilk termes failzie in caice the samyn be incurrit And which lyfrent provisioun above specified The said Elizabeth Dicksoun with consent of her saids curators undersubscryving (Now as if the samyn were ante matrimonium consumatum And then as now) Hes accepted and be thir presents accepts in full contentatioun and satisfactioun of all executrie conjunct fie terce conqueis latter will and utheris whatsomever Whilks may of the law fall accresce appertein and belong to her Or whilks she may anywayes ask suit or craive be or throw her said husband his deceis when the samyn sall happin Renuncing and discharging the sam and all benifit that may redound to her theirby in his favors for ever (Reservand always her said spouse his awin goodwill allennarlie) ffor the whilks causs The said Elizabeth Dicksoun with consent of her saids curators undersubscryving (now as if the samyn were ante nuptias and then as now) Be thir presents maks constituts and ordains the said Maister George McKenzie her spouse his airs and assignays her undoubted cessioners and assignays In and to all portioun naturall bairnes pairt of geir executrie legacie principall and ad omissa goods geir debts soums of money bands heretabill and moveable and uthers whatsomever whilks hes does or as zitt be law may accress fall apertein and belong to her be or throw the deceis of the said John Dicksoun her father or of Susanne Ramsay her mother or of any wther persone freind or relatioun be whatsomever maner of way And all bands rights and securities maid and granted to her theirupon or that is or may be anywayes conceavit or interprett in her favors And all benifit that may redound to her be

verteu theirof And speciallie but prejudice of the generalitie foirsaid All portioun naturall bairnes pairt of geir soums of money and uthers whatsomever perteining to her At lenth mentioned and contenit in ane Inventar theirof apairt daitted the ffourt day of Junii i^{m} vi^{c} ffourtie nyn zeirs And transumit judiciallie be order of the lait Comissioners for administratioun of Justice upon the Twentie sevint day of december i^{m} vi^{c} ffiftie thrie zeirs And whilk inventar is heir holdin and reput as for exprest (brevitatis causa) dispensing with the generalitie foirsaid for ever And in and to the saids rights and securities granted theirupon haill heids obleisments articles clausses and conditiouns theirof And all action persuit and instance competent or that may be competent to her theirupon With all that hes followed or may follow upon the samyn And she hes surrogat and be thir presents with consent foirsaid surrogats and substituts her said spouse and his foirsaids in her full right vice and place of the premisses for ever With power to them to intromett with uplift ask craive and receave the saids soums and uthers respectivelie particularlie and generallie above assignit and to use and dispone theirupon at her pleisor And if neid beis to call and persew theirfor befoir whatsomever judge competent decreits ane or mae in the premisses to recover And the samyn To dew exicutioun cause be put Compon and aggrie theiranent And theirupon to grant discharges Whilks ar heirby declairit to be most valid and sufficient to the receavers And generallie all and sundrie uther things anent the premisses To doe use and exerce als frielie in all respects as the said Elizabeth might have done theirin her selff at any tyme befoir the solemnizatioun of the said mariadge obleidging her to warrand the said assignatioun from her awin deed And for the mair securitie both the saids pairties ar content and consent thir presents be Insert and registrat in the books of Counsell and Session or uthers competent To have the strenth of ane decreit of the lords or Judges theirof interponit theirto That letters and executorialls of horning on ten dayes and uthers necessar in form as

effeirs may be direct heirupon And constituts Their procurators &c conjunctlie and severallie In witnes wheirof both the saids pairties have subscryvit these presents (writtin be Robert Bell servitor to George Dallas Wrytter to his Majesties Signet with their hands day moneth zeir of God and place respectivelie foirsaid Befoir thir Witnesses Simon McKenzie sone to the said Simon, George Dallas Wrytter to the signet,[1] and the said Robert Bell and William Crawfurd and John Bayn servitors to the said Mr George witnesses to the subscriptioun of the saids Symon McKenzie elder Mr George McKenzie and Elizabeth Dicksoun at Edinburgh the said eight day of december.

Simon Mackenzie witnes.
Geo: Dallas witnes
Rot Bell witnes
W. Crawfurd witnes
Jo. Boyne witnes.

Elizabeth Dicksone.
Geo: Mackenzie
S. Mackenzie

(18)

MUSTER ROLL of Sr Robt. Dalzells companie, 1667

The Rolle of Sr Robert Dalzell's Company in His Exellence Generall's Regemente

Sr. Robert Dallzell, Captaine.
John Muncreiffe, Lovetennante.
Robert Nuckle, Einsygne.

Sergants.
Sergante Robert Carlyle.
Sergante Robert Charters.

Corparall Archibald Jonstoune.
James Jevinge.
Robert Jelly.
William Kirko.
John Mullagaine.
Robert McKane.

[1] George Dallas of St. Martin's, the author of the well-known *Styles*.

Drumer.
James Martein.
John Rainkine.

S[c]river.
John Thomsone.

Corparall Robert Hoome.
Thomas Lewers.
John Tanes.
John Cunynghame.
Alexr. Bains.
Thomas Hay.

John Sherp.
Thomas Paydzeane.
Robert McKinell.
Thomas Thomsone.
James Mairteine.
William Carlyle.

Martein Broune.
Alexr. Steidmane.
Andro Dore.
John Miller.
John Stewarte.
Robert Anderson.

Magnus Hutton.
James Huntar.
James Greirsone.
Duncan McKersone.
John Alexr.
John Brahome.

William Muire.
Ralph Nicolsone.
James Grogge.
David Berrie.
George Maxwell.
James Keltoune.

William Kennady.
Cristopher Skarffe.
John Brahame.
Robert Simme.
George Johnstoune.
James Mateland.

Andro Leasor.
James Starke.
John Mcintosh.
John Gasse.
Mungo Jonstoune.
James Hendry.

William Herrone.
John McCall.
James Edgar.
William Douglas.
Andro Creightoune.
Samwell Moore.

Corparall John Rayninge.
Ninion Hay.
John Mcwilliame.
John Fergusone.
Roberte Lesly.
Alexr. Mallace.

William Fergune.
William Nikle.
Alexr. Mcturk.
James Vitch.
Robert Gardinar.
William Espline.

Homer Kelly.
Antony Whytehousse.
John Patton.
James Mcleane.
Robert Mursone.
Lewes Randell.

Thomas Thomsone.
Adame Stewarte.
John Herrone.
John Burges.
Robert Patersone.
Thomas Oglebee.

George Davidsone.
Robert Jonstoune.
John Simme.
Andro Smyth.
Andro Hay.
John Barclay.

James Broune.
Thomas Cotto.
Robert Charters.
John Corsbie.
Robert Dallzell.
William Charters.

Archibald Robertsone.
John Slowane.
Archibald Paydzeane.
James Mcmine.
George Mille.
John Allan.

James Mearnes.
James Shanne.
James Weire.
David Kirkland.
William Jonstoune.
Alexr. Vasse.

Thomas Farrier, pypper.

At Musselburgh the number included in this roll wer mustered and disbanded the 17 of September 1667.

Sr. Robert Dalyell.[1]
J. Kennewie.

(19)

SUPPLICATIONE of Edward Buchanan to the Right Reverend The Deacon of the Talyours of Edr. & The Rest of the Incorporatione yrof, 1670

Wnto the Right honorable the Deacon of the Talyours of Edr. And the rest of the Incorporatione Thereof :—

The humbill Supplicatione of Edward Buchanan sone to Wmqll. Edward Buchanan of Spittell.

[1] Of Glenae and Amisfield, created a baronet 11th April 1666. His grandson succeeded as 6th Earl of Carnwath.

Humblie Sheueth—

That whair your petitioner being ane poor and indigent scooller who hes being educat in my gramer and Lattine Tongue at the scoolle of Drymen in the west end of Stirling shyre whair I wes borne and my parents leived, And in regaird that my ffather and mother is not extant on lyfe, And I being poor and unable to maintaine myselfe To proceed aney farder in my course of learning, And being destitute of aney freinds or Relationes to help or assist me thairin (except onlie Deacon Patersone) on of your number who is my ffriend and is interceiding all he cane for my help, whairby I may attaine to the Presentatione of on of your Bussaries now vaikand whairthrow I may with (God's assistance) proceed ffarder in Learning throw my course of the colledge,

Therfor I humblie becheich your ho. To Tack my poor Conditione to your seriouse consideratione And to grant in my ffavors the presentatione of the said Bussarie whairthrow I may attaine to farder Learning through my course at the Colledge whairby with (God's assistance) I may heirafter attaine to anc honest lyvlihood During my lyftyme And your gracious Anssre is expected And I shall evir Pray etc.

(20)

INVENTARE of Goods reseved be the E. of Linlithgow in name of his sone Alex[r] at sight of the E. of Kaithnes who was apoynted by the Lords of his Majestys privie Counsell for y[t] effect, to se the same reseved from the E. of Call[r] ye 7th Jully 1674 [1]

Item, ane purse imbroydred for keeping ane comishone for a chansler.

[1] This interesting inventory is the outcome of a family dispute. James Livingston, third son of Alexander, 1st Earl of Linlithgow, was in 1633 created Lord Livingston of Almond, and in 1641 Earl of Callendar, with remainder to the heirs-male of his body—afterwards extended to his nephew Alexander Livingston, second son of Alexander, 2nd Earl of Linlithgow, and the heirs-

It., ane pine cushen for a ledy with three Walbags.

It., ane paire of imbroydred mitens & ane paire imbroydred gloves.

It., in ane gilded lether box nyne thowsand marks.

Al this abouwryten is conteaned in the sd gilded box.

It., in ane greine standag ane purse with gold, In which ther is tuinty nyne 20s sterling peises and twinty & ane halfe of 20 marks peises, together with ane great golden casket with a seall, and ane small dymond ring, with one stone & ane woup of gold.

It., of silver seventeine dollers & nynteine shillings sterling.

It., of beaten gold buttons nine score & ten.

It., tuo keys alledged be ane servant of my Lord Callanders to be the keyes of pinkie which is depositat in the hands of the E. of Kaithnes.

It., three litell keyes.

All this abouwryten in the s^{d} grein standage.

It., in ane great firr Chist ane scarlet baise skreing in it.

It., ane valance of crimsone bamise.

It., three peise of greine serge Curtings, with ane pand conforme.

It., ane other pand of greine velvat, both having silk freinges.

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male of his body, whom failing to the second son of his nephew George, 3rd Earl of Linlithgow. Lord Callendar died in 1674, and was succeeded in the title by his nephew Alexander, who became 2nd Earl of Callendar. By his will, however, Lord Callendar disponed to Alexander Livingston, second son of George, 3rd Earl of Linlithgow, and eventually 3rd Earl of Callendar, *inter alia*, 'his haill moueable insight and pleneshing and all moveable goods whatsomever.' The new Earl of Callendar, having taken possession of the House of Callendar, refused to make the goods and plenishing forthcoming to the legatee.

Alexander Livingston and his father Lord Linlithgow made a complaint to the Privy Council, who on 2nd July 1674 ordered the articles in question to be handed over within eight days at the sight of the Earl of Caithness—one of their number.

It may be remembered that it was in connection with the affairs of the deceased Lord Callendar that there arose the famous dispute with regard to the right of appeal to Parliament from the decision of the Court of Session, in the course of which nearly the whole members of the Faculty of Advocates were banished from Edinburgh.

It., ane other damisk pand floured.

It., ane paire of greine liverey breitches & ane liverey coat & ane paire of black britches with a silver watch in ye pockat & ane paire of tueies.

Inventarey of ye silver pleat in ye trunk y^{t} was taken up on the 8th Ja^{rey} 1673.

To witt tuo silver Basons and tuo lauers.

It., ane great silver saltfoot w^{t} ane salt dish and cover with three branches & sockats for Candls.

It., ane dishone of silver trunshers & ane dishone of silver spunes.

It., tuo heigh silver coups with covers all over gilt And three larg silver candlsticks with sockats, And four litell silver candlsticks without sockats.

It., ane silver cup marked with Almond & ane measour cup of ane nutt.

It., eight litill three nucked saltfats & tuo litell round ons.

It., ane silver dish with ane cover with my lords armes upon the cover marked w^{t} a croune & a leter C. upon the syde of the dish.

It., ane gilt measur cup with ane broken shell.

It., in the pantire ane dishone ane dishone [*sic*] of silver spunes ane saltfat with three stups ane sugare box with a litell spune in it.

It., tuo silver tumbleills an silver tanker & a litell brandie dish.

Inventarey of the Robs within the trunk.

It., ane suit of scarlet robs conteaning three peise & a seut of rid velvat robs conteaning three peise And a black velvat footmantle And ane other black velvet mantle layd over with gold lease with a silk & gold fring four greine velvat cots w^{t} tine bages layed with small silver lease for footmen.

It., the horse Grath in a lether bag conteaning a tye curple tuo paire stirep Iyrons ane brydle bit with reins & a paire stirep lethers all the lethers layd over w^{t} gold lease with gold & silver knops upon headsteall & curple etch with tuo louse knops in the bage And ane rid velvet croune.

We George Earle of Caitnes doe declair that conforme to ane ordour direct to us be the Lordis of his Maties privie Counsell we upone the sevinth day of Julii 1674 past to the hous of Callender and thair saw delyverit Be the Earle of Callender to the Earle of Linlithgow in name of Alex^{r} Levingstowne his sone The haill perticularis contenit in this inventere In witnes qrof we have subscryveit thir pñts w^{t} our hand att Callender the forsaid sevinth day of Julii 1674 Befoir thir witnes Mr William Weir advocatt and Johne Broun notair wryttere heirof.

Caithnes.
W. Weir witnes
Jo. Broun witnes.

We George Earle of Linlithgow as tuttor and administrator to Alex^{r} Livingstoune our sone acknowledge the receipt of the particulars conteined in this inventar consisting of on page In witnes qrof wrīn be Wm Corss servitor to Sr Johne Cunyngham of Lambroughtoune and sub^{t} w^{t} our hand at Ed^{r} the eight of August 1m vi^{cs} seaventie four yeir befor thir witnesses the said Wm Corss and Wm Innes our servitor.

Linlithgow.
Wm Cross witness
William Innes witness.

[Endorsed]—
Receatt be the Earle of Caitnes from the Earle of Callender off the silver pleat and utheris particularis w^{t}in spec^{t} delyverit to the Earle of Linlithgow In name of his sone upone the sevinth of July 1674.

(21)

BAND OF PENSION, Captain of Clanronnald to John Mcfarlane, 1681

Be it kend till all men be thir present letters Me Donald Mcdonald of Moydart Captain of the Clan Ronnald, fforsameikle as I have sufficient proof & experience of the qualifications vigilance cair & industry of Mr. John

Mcfarlane wryter to his Majestie's Signet, in managing and going about my affairs and bussinesses in Edinburgh and else wher in my absence severall tymes heirtofoir, And that he is content to continue in that station at my desyre for ye future, Therfore wit ye me to be bound and oblidged Lykas I by these presents bind and oblidge me my airs exers. and successors to make good & thankfull payment to the said John Mcfarlane his airs exers. or assignyes, Of all and haill the soume of one hundreth marks scotts Scotts [*sic*] money in name of pensione and Sallarie for agenting & mannaging my affairs & concernes at Edinburgh And yt yeerly & ilk yeer at the terme of Whitsonday during my not Recalling heirof in Wrett Beginning the first yeers payment of the said Pensione at the terme of Whitsonday i^{m} vi^{c} ffourscore tuo yeers for the yeer imediatly preceiding the said terme And so furth yeerly yrefter in all tyme coming during the space abovementioned. Consenting to the registration heirof in the books of Councill and Session or any other competent within this kingdome That ane decreit be interponed yrto And that letters of horning on sex dayes & other execution need full may pass heirupon as effeirs And yrto constituts my procurators &^{c}. In witnes qrof I have subscribed thir presents (written be Henry Reid wryter in Edin^{r}) Att Edinburgh this tuentie thrie day of August i^{m} vi^{c} & ffourscore one yeers Before thir witnesses Ronald Mcdonald my servitor and George Drummond Wretter in Edin^{r} inserter of ye somme terme of pay^{t} yeare of God Deat and Witnesses.

D. Mcdonald of Moydart.
Ranald McDonell wittness
G. Drumond witnes.

(22)

LETTER, Captain of Clan Ronnald to John Macfarlane, W.S.

Cana, *ii May* 1683.

Much esteimed freind,—I have sentt the bearer to yow

with letters to My Lord Chancellour,[1] Montrose, & the register,[2] if the chancellowr be att Edr cause him delyver the letter & nott keip itt & delyver att yowr own convenience as for the register if he be att Rysetown[3] putt him ther to him & if Montrose be att Glasgow Lett him goe the lenth. I have onely sent him to mynd these persones if they be there & to know of yow whatt hes passt as to the Laitt Earle of Argylle[4] his affairs. And of my own (if any thing be) for my own I hoope yow are allvayes myndefull & itt were useles to mynd yow, onely lett me know whatt yow wold have me to doe and throwgh the Lords strenth I shall performe qt yow desyre me. As for Castelltowns[5] affair I fforgott to speake to yow quhen I came avay, & why I wold wishe nott to be slightted in itt therfor send me yowr advyce whitter itt will be mostt fitt to raise summonds befoir the Lords for arrestting of his maills & dewties, or to raise ane preceptt befoir the sheriffe & to arreistt & imeadiatly to persew for makeing furthcumeing of itt be befoir the Sheriffe. Send the paipars for instructting the Lybell & maner how to proceid. Lykewayes send thatt decreit of preferrence agt Mcleoid with yowr own discharge and whatt uther paipers as are requisitt thatt we may take avay how to gett payt of him. I am informed since I came from Edr Thatt Coll has proved mostt ungraitt to my sistter[6] and I am affrayed itt will nott be freindly takne avay, wherfor if the inclosed letters will nott serve for a new citatione cause renew them and send ane new pair of letters with yowr injunctions & instructions in wreatt how they may be executt sua thatt ther be noe mistaike. All these things I reserve to yowr selfe and expectts yowr answear as to all of them.—I rest, Yowr Loveing freind & servantt, D. Mcdonald of Moydrt.

Lett the Cownsall day be nominatt to quhich Coll & his

[1] The Earl of Aberdeen.
[2] Sir George Mackenzie, afterwards Earl of Cromartie.
[3] Royston. [4] The 9th Earl forfeited in 1681.
[5] Donald Macdonald of Castleton, youngest son of Sir Donald Macdonald of Sleat, 1st Baronet.
[6] Marion, married to Lachlan Maclean of Coll.

brother is to be sumonded ffor his baise cariage tovards my sistter is insuportable.

Sir, Sir Rorie Mcleoid of Talleskair is dead and his sone is mostt pressing to have me to renew his fathers moveable bond and to take course & pay the bygone annualrents yrof thatt are restting & if nott to accumullatt them with the prin[ll] sowme and thatt I shall give him securittie therfor aither be heritable bond or woodsett, and thatt betuixtt and Lambes nixtt. Now pray lett me know give this can be prejudiciall to the giftt of escheatt yow gott from Succoth of Sir Rories. Pray acquaintt me q[t] way I shall walke in itt and any thing thatt yow wold have me to doe lett yow send itt to me in wreatt and I will doe itt, butt lett itt be alse privatt as can be for if they know of any such thing they will putt me to the rigour nott upon thatt accompt bott uthervayes as yow know of lett me know how to actt and quhat yow wold have done shall be alse quyettly actted heir as can be.

For His Much esteimed freind John Mcfarlane
wreatter to his Majesties Signett.

(23)

LETTER, Captain of Clan Ronnald to John Macfarlane, W.S.

Muidertt, *Penult. july* 1683.

Much estemed freind,—Yours both have I receaved now and I think my selfe verie much obleidged to yow for acting & being sua cairfull yrin I have writtine uerie kyndly to the Chancelowr thesaurer[1] and registter for quhat they have done, quhilk yow may delyver to them with a promise of a castt of hawcks to be att evrie one of them within fowr dayes eftir the receaveing of thes letters. The thesaurer is too have a castt of fallcons & the other tuo, ilk one of ym, onely ane falcone & teirsell. I have writtine to Montrose w[t] ane promise of ane castt of hawcks lykewayes, quhose

[1] Marquis of Queensberry.

letter if he be in towne yow may delyver. I dowbtt nott butt yow will be mostt cairfull of me as yow has ever bein, I have subscribed the tuo oathes and if ever the king have service for me I will be mostt readie to obey quhill Lyfe & breath serves me. As for the Cowes againstt the day appoynted (I will have god willing) Tuelve scoir att Arieniskar att leastt with sua many moe as will make them thatt good att ffalkirk and if I can ther will be Threttie or fortieth moe Yow may receave yowr own tuo Cowes att this tyme Receave the oathes subscrivit & the contractt of the Cowes, I have agried with Coll abowt my sistter qrfor be pleased to send me with this bearer for itt is owr onely stay the minnett of hir contractt of mariage with the extended contracts yron, as alse to send me thatt paiper or the justt dowble yrof Thatt yee & George Drumond drew att the Cowttbridge betuixtt me & Moror[1] thatt I may know how much I have to crave of him. Sir Ronald was pleased with Mr. John Mcleane to assigne near to seven Thousand merks of thatt debtt I owe them to Mr. Robert Blackwood mer^{t} in Ed^{r}. I wold be mostt glad to transactt with him to gett sua much downe of the prin^{ll} sowme and lykewayes I expectt to gett ane ease from him Yow are the onely man I trustt in and does referre my wholle intrestt & fortowne in yowr hands quhairfor yow may be speakeing to him and taking yowr own canie wayes in tryeing quhat he will taike & send me ane accomptt with the ffalconer whom yow will see within thrie dayes eftir this comes to yowr hands. Sir Rories sone & I did nott agrie in regaird he was seikeing ane new band for his annualrent quhilk will be abowt ten or elevine Thowsand merks I told him if be his former band he had rightt to call for his prin^{ll} when nott for his annualrents He threattnes to assigne my band to Mcleoid or to some other & to adjudge my estaitt Now I wold gladly know if yow & Succoth could doe anything to impead him from cackcullatting his annualrent with his prin^{ll} sowme. If yow doe any thing lett it be in Succoth's name

[1] Allan Macdonald of Morar.

and send the letters to me & I will cawse execut them. And lett me know, Castelltowne haveing arreistted in my hands ten or tuelve years bygone for his releife of thatt debtt of Assins & upon his arreisttment obtained decreitt for making furthcumeing ag^{t} me qlk will now verie near compense Sir Rorie's annualrents, whitther or noe give thatt will stopp his adjudicatione in sua far. John Murdoch apothecarie arrestted in my hands long since bott nothing followed. The bodie wold have assigned me the debtt bott I wold nott take itt; he offered to doe dilligence de novo Yow may presse him to itt for I am confidentt yow wold nott see me wronged if yow cowld help itt. As for Castelltowne's own debtt quhilk is thatt same of Assins yow may send a dispensatione to persew befoir the sheriffe & the maner of the persuitt whither to arreistt be the Sheriffe's order & yrupon to sumond for making furthcumeing or any other way as yow think mastt fitt. Send me the decreitt of preferrence & horning ag^{t} McLeoid with yowr own discharge. I wold have sentt yow ane hawck thoe yow sowghtt itt nott if I had itt to spaire bott one my faith I cowld nott for I had nott one to give Airlie bott if I leive yow will be mynded. Send back the bearer soe shoon as possible; for any ansuear thatt yow Cannott gett quickly yow may send itt with the ffalconer and when the ffalconer comes if ther be any haistt yow may send back his man befoir himselfe. The hawcks thatt he has to bring are ane castt of fallcons to the thesaurer ane fallcone & a terrsall to the Chancellowr and ane ffallcone & terrsall to Montrose and sicklyke to the registter & my Lord Linlithgow. These are all my hawcks & the way I order them to be delyvered quhilk I hoope yow will see sua done accordingly bott yow may delyver thir letters to my freinds sua shoon as they come to yowr hands for I have writtine to them lykewayes with the hawks. Send me the vorth of ffowrteine shilling scotts of gillt paiper quhilk fowrtine s. I receave from the bearers. I add noe more butt thatt I am Yowr loweing freind & humble servantt,

D. Mcdonald of Moydrt.

Yow may receave my old chartor & seasine with the restt of the paipers Benbecula had att Ed[r] all in ane little boxe from the bearer.

For His much estteimed freind John Mcfarlane
wreatter to his Majesties Signet.

(24)

VISITATIONE of the MANSE & GLEIB belonging to the Minr. of Edrum, 1687

We Arthur [1] be divine providence Archbishop of St. Andrews Requiris yow the Moderator and the Rest of our Reverend brethren within the presbitry of Chernsid or any three or four of yow to pass to the paroch church and parochin of Edrum the seventin day of November i m vi c and eightie seaven years, and ther be the advice of sworne work men massons and wrights, After tymouse intimatione and advertisment given to the heretors of the said paroch and all others therin concerned, estimat the melioration of the mansion house and other office houses ther belonging to the minister serving the Cure at the said Church. And examine whither they be made sufficient, conforme to the lawes and Acts of Parliament of this Kingdome and if not to consider quhat soumes of money will be requisite for the compleit reparatione therof. As also ye pass to the Gleib belonging to the minister serving the Cure at the said Church and ther lykwayes consider if it be sufficient, and that the said minister be provided of grass and foggage and of every other thing allowed to ministers be the saids lawes and Acts of Parliament to the end those who are lyable may stint themselves proportionallie conforme to ther valued rents for making up of the samen, and if it shall happin that the saids heretors will not meet and stint themselves proportionallie according to ther valued rents to the effect forsaid These are therfore to desyre and authorize our Reverend Brethren abovmentioned to stint them proportionallie conforme to ther valued rents,

[1] Arthur Ross, parson of Glasgow 1665, Bishop of Argyll 1676, Archbishop Glasgow 1679, of St. Andrews 1684, died 1704.

In doeing quherof this shall be your warrand. Given att Edinburgh the third day of November 1687 years.

ARTH: ST. AND:

(25)

MUSTER ROLL of DUMBARTON CASTLE, 24 Octo[r] 1688

Thomas Lachton, Gunner

Duke of Lenox[1] Cap[t]
Major Georg Arnott Lov[t]
James Ramsay Ensign

Patrick Arroll
Andrew Strachan } Corporalls
Charles Carron

Patrick buchanan
James Shomers } Serg[tts]

William Cuming
Adam Glenn } Drumers

George Carmichell sciv[r]

1 Andrew Williamson
2 Allex[r] Williamson
3 Archibald Ferguson
4 David Durie
5 David Strachan
6 Donnald M'Symond
7 Dunckan M'Farland
8 Dunckan M'Nabb
9 Georg Hutson
10 Heugh Key
11 James Arnott
12 James Williamson
13 John Buchanan
14 John Arroll
15 John Foord
16 John Fleeming
17 John Glenn
18 John Graham
19 John M'Farland
20 John Arroll
21 John Roggier
22 John M'adam
23 John Ritchie
24 John Lyndsay
25 John Collqwhoun
26 John M'Kinlay
27 John Smith
28 John Arroll
29 Mathew Lyndsay
30 Patrick Arroll
31 Patrick buchanan
32 Patrick Collqwhoun
33 Patrick legge
34 Robert Arroll
35 Robert Collqwhoun
36 Robert Glenn
37 Robert gibb
38 Robert Stewart
39 Robert Arnott
40 William Allan
41 William Morison
42 William Robeson
43 William Robeson

[1] Natural son of Charles II.; created Duke of Lennox, 1675; Governor of Dumbarton Castle, 1681.

This guarisone is compleet Conforme to the Establishment mustered 24th octor 1688

By order of the Muster Mr Generall

Pa: Nisbet *dpt.*

Geo. Arnott
Ja. Ramsay.

(26)

THE MUSTER ROLL of the Earle of Mar his companie 1689

Earle of Mar, Collonell.
Alexander Forbes, Captain Lev.
James Hoom, Ensigne.
Captaine Mackenie, aid Major.
James Mitchell, Serj.
Wm. Maine, Serj.
Francis Borthick, Chirurgeon with his mate.
George Angus, Drumer.

Don. Macqueen, Corprl.
Alexr. Ferguson, Corprl.
Rob. Barbour, Corprl.

Alexr. Macgriger.
Alexr. Ross.
Alexr. Gordon, Seek.
Alexr. Symon.
Callom Macgriger.
Dunc. Fleming.
John Gordon.
John Cattanach.
John Symon.
Griger Macgriger.
John Macdonald, el. forl.[1]
John Macdonald, yr.
Don. Macdonald.
John Fleming.
Rob. Anderson.
Thom. Roy.
Wm. Nairn.

John Keirie of Gogar did give libertie too four and twentie of the Colonel's company to goe to Alloa who are to returne on tuesday nixt.

I David Erskine of Dun Leiutennant Collonell to the Earle of Mar's Regement, the Collonel being vaccand by

[1] Fore-loofe or forloff, *i.e.* on furlough.

my Lordis Mar's Death,[1] Doe Declair on my Paroll of honour that I mustered the sd. Companie, with the particular observation, of the twenty four men taken to Allova by John Kirre, & the oyr. observations in the Roll, And without any fraud or deceit. As witnes my hand att Perth the 24th August 1689. D. Erskine Dun.

I Major Hugh Buntine of Kilbryd Gennerall Muster master, Doe Testiffie that I mustered the abow writtin Company with the particular observations abow writtin, In presence of My Lord Ruthven, and Sir Patrick Home of Polvart, As witnes my hand at Perth 24 August 1689.
H. Bontein.

(27)

REMARKS[2] anent Dunbrittane Castle,
16 & 23 July 1690

The state and Conditione of the Castle and Rock of Dunbrittane for the tyme is as follows :—

lbs. ster.

1mo Wallace Toure is verie much ruined by reasone of ane intack in ye easter wall by qh ye raine enters the wall and ye sclate roofe is verie faultie with ye most pairt of ye windoues and many pairts of the floorings all qk articles should have been repaired by James M'Clellan wright Conforme to anc contract past betwixt him and James Maxwel of Kirkconel yn Receiver of ye Rents and of qh he has got a great deale of money for ys and other articles.

M'cleland is obledged to do ys.

dated 22 agust 1688.

[1] Charles, Earl of Mar, died 23rd May 1689.

[2] This report is obviously the outcome of the following order :—

'Edinburgh, 21*st March* 1689.

'The meeting of Estates Doe hereby Require Major George Arnot Livetennnant-Governour of the Garisone of Dumbartoune with all expedition to repair hither and to Give ane account of what is in ye Magazine and in ye stores and in what Condition the garisone is' (Thomson's *Acts*, ix. p. 16).

	lbs. ster.	
2° There are sex Centinel boxes most of qh are faultie and some to be made of new the better to mend ye worse may extend to ye soume of	1 10 0	not obledged.
3 The heigh guaird house wants sclaits sarking a door and windoue to ye value of	2 00 0	obledged.
4 The platforme for fuseliers or banquet upon ye wast syde of ye half moone to ye bell house it having been formerly done with deals and bloune away w^t^ ye wind and lost and nowe to be done of new may extend to	5 00 0	not obledged.
If yt be done in stone qh is more rational for duratione and last will cost 15lbs ster.		
5 The Kitching brace for ye Governor Ld Neils owne duelling with qt necessarly most folloue will cost the soume of .	5 10 0	not.
6 A slapp falln out of ye wall of ye half moone qh will dayly increass unless it be speedily helped qh with the scarping and cutting of peeres of ye Rock qr yr is a rode to ye foot of ye wall may cost ye soume of	15 00 0	not.
7 The new designe of outworks made at the outer gate by Mr Durrey consisting of tuo curtains one to ye east another to ye wast w^t^ tuo half bastions with ye entrie &c. may cost 500lbs and more But my Ld Neile Campbel his designe something like unto y^t^ but lesser may finis for	250 0 0	
	279 0 0	
The loe houses at ye foot of ye rock to be put in cace will extend to . . .	10 0 0	not.
	289 0 0	

Turne over

[f. 2]. There are tuo falconets that have not carigges.

12 peece of canon for qh ther is neither spounge rammer nor ladle but one sett and that is but worne a litle worth.

There are four sex pounder for qk ther is no ball and if this syze of ball can not be hade they should be supplyed by ye next syze under it.

There is one falconet of a pound ball and yr is no ball for it.

The water of ye loch comes to be rotten sometymes qh cannot be prevented without it be built about and covered.

There is no brewing loomes except a copper kettle in ye garisone.

This is the last article on the other syde. The loe houses at ye foot of ye rock ar falling and will require necessarly to be repaired and will extend to

The outer gates ar faultie in ye Iron worke.

The worke y^t is yet to do of James M'Clellans Contract for qk he stands obleidged may extend to 50 or sextie lbs sterling and this is including the heigh guaird house qk was not in his contract but y^t part qh is done was done by him and was content to adde it to ye contrac w^t having additional pryce unless it be found when the worke is done y^t he is not a loser 65 00 0

Memorandum Ja. M'Clellan anent Dunbrittane.

The money Dew to James M'Clellan wright for finishing the worke at Dunbrittan Castle is 930lbs scots or 77lbs 10s ster.

The Contract was made for 155lbs ster. of qh yr was payed in hand 77lbs 10s ster. and ther remains yet unpayed 077lbs 10s ster.

(28)

WARRAND for William Bartrum to be my Lord Marches Fowller 1722

These are warranding and impowring you William Bartrum of Dukepooll in the parish of Glenwholme [1] and Shirefdome of Peebles as our ffouller to hunt in any of our grounds or in any other gentleman's grounds in Tweddale Or elswher in lawfull tyme of year either ffor partridges,

[1] Now conjoined with Broughton and Kilbucho.

moorfoule or other ffoulls ; You alwayes bringing or sending in to our lodgeing in Peebles what ffowlls soever you shall happen to kill. But notwithstanding of this our warrand you are not to goe out to the ffields in any tyme forbidden by law as our said ffouller. And in testimony of all which this shall be your warrand Subscribed by us at our said lodgeing in Peebles the thertein day of November 1722 years. And this to endure dureing our pleasure allannerly, and you are also hereby impowred to seize any common ffouller that you may happen to ffynd foulling within this shyre and to take yr guns and dogs from them and remitt yem to us if they have not a warrand from us so to ffoull. MARCH.[1]

(29)

ASSIGNATION by HIS GRACE THE DUKE OF MONTROSE to the COMMISSIONERS and TRUSTEES

Be it known to all men by thir present letters Us James Duke of Montrose &c.[2] For as much as The Commissioners and Trustees for the forfeited Estates in Scotland on consideration of a Claim entered by us on the Estate late of Robert Campbell alias Rob Roy late of Innersnail By their Decree bearing date the sixth day of October One thousand Seven hundred and Twenty two Adjudged Determined and Decreed the principall Sume of Eight Hundred and ffourty pounds Scots money with Interest thereof from and Since the 27th day of December One thousand Seven hundred and Eleven, And another principall Sume of One thousand Four hundred pounds like mony with Interest thereof from and Since the twenty fourth day of December One thousand Seven hundred and Eleven years forsaid to be just true and lawfull debts[3] to

[1] William, 2nd Earl of March, died 7th March 1731 ; the father of 'old Q.'

[2] 4th Marquess and 1st Duke.

[3] These debts are understood to have arisen out of loans made by the Duke, who was financing Rob Roy in some cattle-dealing transactions. Political considerations having supervened, Rob Roy was pressed most harshly for repayment, his property was seized, and his family evicted from their home. Hence the feud that so long subsisted between Rob Roy and the Grahames (cf. *Hist. MSS. Com.*, 3rd Report, p. 380 *et seq.*).

which we are Justly Intitled as a lawfull Creditor on the said Estate as the said Decree of the date forsaid more fully bears And whereas after Determining all the Claims of Creditors on the Said Estate and after Sale thereof, It appears that the profits and price of the same, with Interest thereof ffell Short of the Totall Sume of the debts Decreed and affirmed Wherefore The said Commissioners and Trustees haveing upon the Sixteenth day of October One thousand Seven hundred and twenty three, Resumed the Consideration of the said debts affirmed, They by their Decree of Ranking then pronounced by them, proportioning the said profits and price and the Interest thereof amongst the several Creditors Did determine the proportion of the said profits and price, and Interest thereof for which we are to draw our Share answerable to the said debts due to us to be one hundred and twenty pounds fourteen Shillings and Seven pence Sterling money at the terme of Martimass next one thousand Seven hundred and twenty three And now seeing The Commissioners and Trustees aforenamed have accordingly in pursuance of the powers in them reposed by Act of Parliament issued a Debenture or Certificate to us for the forsaid Sume of one hundred and Twenty pounds fourteen Shillings and Seven pence Sterling, of which Debenture or Certificate we grant the Receipt Therefore witt ye us to have made and Constituted Likeas We the Said James Duke of Montrose By the tenor hereof Make Constitute and ordain The Commissioners and Trustees aforenamed They are to say Arthur Ingram Esquire Sir Henry Hoghton Baronet, Henry Cunningham Esqr. Patrick Haldane Esquire, Denis Bond Esquire and Robert Monro Esquire—Our undoubted and Irrevocable Cessioners and assigneys In and to the said Claim and grounds therein set forth, with the forsaid Decree following thereon & sumes therein contained and Decree of Ranking so far as concerns our Interest therein, Surrogating and Substituteing The said Commissioners and Trustees for the use of the publick in our full right and place of the premises for ever with full

power to them all and Sundry things necessary annent the premises toe do Sicklike and alse freely in all respects as we might have done therein our self before granting of this present assignation, which we bind and obleidge us our heirs Executors and Successors to warrand to the said Commissioners and Trustees for the use of the publick from our own proper fact and deed aleanarly Likeas the writes and Evidents Recited in the Said Claim and formerly given in as the Vouchers thereof, Together with the foresaid Decree, are to remain in the hands of the said Commissioners and Trustees to be kept and used by them for the use of the publick as their own proper Evidents in time comeing. Reserveing always to us and our forsaids the Superplus of the debt above assigned and conveyed more than the said Sume of one hundred and twenty pounds fourteen Shillings and Seven pence Sterling presently paid to us grounds and Convoyences thereof mentioned in our said Claim in order to affect any other reall or personal Estate belonging or that Shall happen to belong to the Said Robert Roy Campbell other than the lands and Estate sold by the Said Trustees to Robert Hacket, provided that what shall be recovered out of any other reall or personal Estate of the said Robert Roy Campbell shall be forthcomeing and Distributed to the Severall Creditors whose debts have been affirmed by the said Trustees (except to Mr John Mackenzie of Delvin) in the same proportions that their sumes have been Decreed by the Said Decree of Ranking Consenting to the Registration hereof in the Books of Council and Session or others competent, therein to remain for preservation, and if need bees That all Execution necessary may pass hereon in form as effeers and Constitute.

Our prors. In witness whereof we have signed these presents consisting of this & three preceding pages (written on stampt paper by David M'Gillandrise servitor to Alexander Ross writer to the Signett att

And. Gardner witness.
Robert Hoy witness. Montrose.

(30)

OATH OF ALLEGIANCE AND ABJURATION taken by the DUKE OF PERTH'S REGIMENT in 1745, with the signatures of the men

I solemnly promise and swear In the presence of Almighty God That I shall faithfully and diligently serve James the Eighth King of Scotland England France and Ireland against all his Enemies forreign or domestick And shall not desert or leave his service without leave asked and given of my officer And hereby pass from all former alledgeance given by me to George—Elector of Hannover So help me God

DUKE OF PERTH'S[1] REGIMENT

CAPTAIN JAMES JOHNSTONS[2] COMPANY

Thomas × Dicks his mark
William × McKimmy
Barnet Farrand
Nathaniel × Hallas his mark
Thomas Dopettor
Henry × McMannos
William × Lee
James × Low
David Mitchell
Charles × Finnie
James × Charnloy
Thomas × Cook
George × Robertson his mark
William × Bisco's mark
James Lewis
Vindicator Humphrys
John Martin
James Martin
James × Laird
Robert Dickinson
Ralph Neilson
Thomas Lamb
William × Smith
Isaac Harwood

[1] John Drummond, 4th Earl of Perth, Chancellor of Scotland, was attainted after the Revolution of 1688. He joined King James in France, and was by him created Duke of Perth. His grandson James Drummond, but for the attainder, 6th Earl and third titular Duke of Perth, took a prominent part in the '45. After Culloden he escaped from the Hanoverians, but died at sea on his way to France on 13th May 1746.

[2] Son to James Johnston, merchant, Edinburgh ; was a Captain in the Duke of Perth's Regiment.—*List of Persons Concerned in the Rebellion, etc.*, Scottish History Society Publications, 1st Series, vol. viii. p. 250.

Jas. Parker
Alex^{r} × Gillies
John Dickson
Francis Cheetham
Hugh × Thomson's mark
John Farguson
John Grive
John Orquart
Richard × Trotter
William lumsden

Capt. Geds [1] Company

Robt Dunbar
John × Gill
× Thomas Ledbetter
James Ross
John Kinkaid
Joseph × Ashmore
W^{m} × Parkins
Abraham Alby
John × Cunvey
Rich^{d} × Ryce
Edward Mitchell
Abraham Rusher
William Murray
Daniel × Smith
Robt Bradford
Wm Martin
Paul Stirling
John Taylor
The mark of Thos × Saxby
W^{m} × Waldron's mark
Angus M^{c}kdouald
James × Potts mark
John Robb
Ja^{s} × Edwards mark
W^{m} × Brown's mark
Jno × Allan's mark
Thos Chesse
Edward Davis
W^{m} × Smirk's mark
Joseph × Rutlidge mark
John × Charter
James × Pente

Strowans [2] Company

Gerves Dixon
John × McCray
Thos × Cotcher
George × Rogers
Robert Patterson
John Allan
Alexander Donslon
Duncan Mclush

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[1] Presumably 'James Gedd, son of William Gedd, Goldsmith, Edinburgh, who in 1725 invented the art of stereotyping. . . . He was made prisoner at Carlisle and condemned to death, but through the influence of some friends, and especially on account of his father's useful invention, he was reprieved and emigrated to Jamaica.'—*Ib.*, p. 379.

[2] Alexander Robertson of Strowan, who had fought at Killiecrankie and been out in the '15, was now an old man of nearly eighty. It would rather seem as if 'Strowan's Company' refers to what Dr. Walter Blaikie says (*Military History of Perthshire*, p. 322), viz.: 'Robertson of Struan called out 200 men under the leadership of his kinsman, Robertson of Woodshiel.'

Robt × Dunbar
William Ourton
Nathaniel Martin
Henry × Ogdale
Joseph × Moris
Thomas Lawrence
Robet Nairn
Alex^{r} Polson
William Wilson
John Rollo
Hugh Rey
Hendry Steedman
John Forster
Will Miln
Willm × Mathew
George Samuel
James Ross
Ja^{s} Main
James Willison

Captain Robert Taylors Company

James Hood
Geor: Ross
Bartholomew × Shilver
James Tisdall
Samuel × Thuloe
William × White
Thomas × Armstrong
David × Kaill
John Cookin
Andrew × Silver
Jonathan × Garret
John × Andrew
David Baillie
Malcolm × McLarin
Thos White
James Knox
Kenneth × McLeod
Edward Stringer
John Billie
John Betts
Robert × Davies
James × Anderson
David Courts (?)
John Devarily
William × Millar
Thomas Stewart
Charles Brown
Alexander × Emley
Farquhar × Miller
John × McLean
Robert Hameltan
William × Cannon
John × Ross
Thomas Stewart
Robert Duke
Geo: Paton
William × Gibb
Robert × Paisley
William Alexander
David Joiner
James Grant
William Chapman
Alex Winchester
James Chap
Peter × Broadley
James × Anderson
Alex^{d} Smith
George Renni
Charles Cosser
Robert Smith
William Godby

ROBERT STEWART YOUNGER OF STRADOWN'S [1] COMPANY

Robert Cranstoun
James Douglas
Maurice Osborn
John × Nicolson his mark
Alex[r] × Douglas
John × Oliver
Doncan Livingston
John Ostler
Adam Cook (?)
William Sutherland
Thomas × Shaw
Allan × Grant
James × Stewart
Antony × Bodin
John Willson
Alex Allan
John × Davidson
John × Ross
Rob[t] × Roy
Jonathan Willson
Joseph Glynn
Robert Boyce
John Purves
× Adam Atkins
John Anderson
George Walls
John Knowls
John × Davidson
John × Greg
Charles × Ingram
Walter × Laverock
Daniel × Mott
John × Newton
John × Cunningham
W[m] Lillie
John Fleman
Abraham Homes
John × M[c]Donald
John × Barclay
Donald M[c]Grigor
Simon Elliott
Thomas × Haddel
George Pursell (?)
John Liastion
Walter Forrester

(31)

ACCOMPT, THE SHERRIFF of EDINBURGH SHIRE to WILLIAM MIDDLETON, 1798

THE HONBLE. THE SHERRIFF OF EDINBURGH SHIRE

1798 To WILLIAM MIDDLETON Dr.

August 3 To my trouble going to the Abbay of Holyrood-house and there searching for Mr. —— Leech-more and apprehending Major Baillie

[1] There are various references in the *Lyon in Mourning* to Captain Robert Stewart, who survived the '45 and in 1749 furnished Bishop Forbes with information regarding Hanoverian 'frightfulness' (vol. ii. p. 333).

and bringing him to the Sherriff Clerk's Office for examination respecting a Duel [1] that had taken place in the King's park where Colonel Noal of the Rutlandshire Cavalry was dangerously wounded, thereafter going by your Lordship's orders again to the Abbay to search for Mr. Leechmore in order to apprehend him, as also to search his Lodgings and the Lodgings of Major Baillie for all Shot and Gunpowder, and pistols, and securing the same and bringing them to the Sherriff Clerk's Office, Thereafter accompanying Mr. Archd. Welsh and James Wilson to the Lodgings of Major Baillie in the Abbay, in order to have the same searched in his own presence for all Letters and correspondence respecting him & Colonel Noal, afterwards returning with Major Baillie to the Office in the evening at seven o'Clock when Mr. Leechmore made his appearance, when he and the Major were examined, Mr. Leechmore dismissed and the Major sent to prison this night betwixt eleven and twelve o'Clock 0 5 0

To William Stevens & George Galloway their trouble, by order of Mr. Scott respecting the above business 0 10 0

To Murdoch McPherson a Concurrent on the above business . . 0 2 6

To two assistants going with me at Searching Mr. Leechmore & Major Baillie's Lodgings for Shot &c. . 0 2 0

To paid Coach hire bringing Major Baillie from the Abbay to the

[1] 'Aug. 3. Yesterday morning a duel was fought in the King's Park between Lieut.-Col. Neville of the Ruthlandshire Cavalry and Mr. Bailie, late of the same corps, when the former gentleman was unfortunately wounded; the ball has been extracted, and it is hoped he will do well.'—*The Scots Magazine*, vol. 60, p. 574.

		Sherriff Clerk's Office for examination	0	3	6
		To paid Coach hire for the purpose of bringing Mr. Leechmore if he had been found, and attendance during the search being Two hours & a half	0	6	0
		To paid Incidents	0	1	6
August	4	To citing Mr. Leechmore at the Abbay & Mr. McLean on Leith Walk to be examined respecting the Duel above mentioned and attending in the office at their examination	0	3	0
,,	11	To summoning Colonel Sinclair Paymaster of the Recruiting Parties in Scotland, Colonel Terrier of the Scots Brigade, Colonel Mackay and Geddes, Esqr. of the Adjutant General's Office, and John Thom residing in Canongate to be examined respecting the above business and attending in the office during their examination . .	0	7	6
,,	16	To Summoning Mr. Hepburn Surgeon to be examined on the above business, and attending the Office during his examination having had a good deal of trouble in finding Mr. Hepburn out as he was not well known in this place, and lodging in a remote place in Canongate	0	2	0
		To my trouble calling frequently for Colonel Noal to enquire into the state of his health, and reporting the same to Mr. Scott, by his orders	0	2	6
			£2	5	6

Edinr. 12 *Janry.* 1799

Received from James Clerk, Esqr. his Majesty's Sherriff Depute for the County of Edinr. the Sum of Two Pounds five Shillings and Six pence Sterling being Payment of the Annexed Account and the Same is hereby Discharged.

WILLIAM MIDDLETON.

(32)

LETTER by LORD PRESIDENT HOPE regarding LORD BRAXFIELD, 1837

MY DEAR SIR,—I ought long ago to have returned the Memoir of Sir Wm. Pulteney, which I now do with your last one of Lord Braxfield; that story told of him by Lockhart,[1] I knew instantly to be an infamous falsehood; for, with you, I am quite certain that he never played at Chess in his life, it was much too tame a game for him. A man who loses at Chess has nothing to blame but his own bad play; Whereas at whist honest Braxfield used heartily to curse the cards, and his partner, and even his adversaries. But to make quite sure of the falsehood of the Chess story, I ordered a search to be made in books of the Circuit Courts, & I found that Braxfield never tried any Case of Forgery either at Ayr or Dumfries, and that the only man he ever tried & condemned for fforgery was

[1] It was to the effect that after sentencing to death for forgery an old friend with whom he had often played chess he ejaculated, 'And now, Donald my man, I think I have checkmated you for once.' According to Lockhart's *Life of Scott* (1st edition, vol. iii. p. 341), this story was told by Sir Walter at a dinner party at Carlton House, and 'the Regent laughed heartily at this specimen of MacQueen's brutal humour.' In the second edition, published in 1839, the story is given, but the name of the judge is suppressed. It is told also of Lord Kames in Cockburn's *Memorials*, p. 117, footnote. In *The Riddle of the Ruthvens*, etc., p. 50, Mr. Roughead, on the authority of an MS. *Life of Lord Braxfield* in the library of the University of Edinburgh, by Alexander Young, W.S., gives an explanation. Lord President Hope, it is said, who knew Braxfield intimately, on the appearance of the anecdote, wrote to Blackwood indignantly denying its truth, and the passage was withdrawn in subsequent editions. This letter seems to support that explanation. It is a matter of regret that the Lord President was not spared to deal with some of Lord Cockburn's observations about Lord Braxfield.

at Stirling, & instead of being any acquaintance of his, He was a miserable shopkeeper in the Town of Falkirk. Lockhart has not done credit either to himself or to Sir Walter by his life of him, for there are many other stories in it equally false, tho' not as malignant. I have many many very queer anecdotes of Braxfield, which come across my memory at times, which, if I could recollect them all at once, would make a splendid *Ana*.—Believe me, my dear Sir, faithfully Yours C. Hope.

It was the fatal illness, & at last the unexpected death of my Sister Lady Mary Murray, so soon after receiving your Memoirs of Sir Wm. P., which put that, & every thing else out of my head.

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